

## Public Service Media Bill

(2013, Union Parliament Bill)

1375 Year, Month Day

(2013 Year, Month Day)

### Preamble

The Union Parliament enacts this law in order to promote political, economic and social interests of the people as well as to transform the State-owned media into independent Public Service Media.

### Chapter (1)

#### Title and Definition

1. This law shall be cited as the **Public Service Media Act**.
2. The following terms contained in this Act shall have the meanings given hereunder;
  - (a) **“Public Service Media”** means Public Service Newspaper and radio and television broadcasting enterprises which have been changed from the State-owned media to undertake the Basic Principles of the Public Service Media as prescribed in chapter 2 of this Act;
  - (b) **“Council”** means independent public service media Council established in accord with this law to provide technical advice and assistance to the Public Service Media and non-commercial medias;
  - (c) **“Public Service Newspaper Enterprise”** means “the Mirror” and the “ New Light of Myanmar” newspapers transformed from the State-owned newspapers to Public Service Newspapers with the purpose to implement the Basic Principles of the public service media prescribed in chapter 2 of this Act;
  - (d) **“Public Service Broadcasting Enterprise”** means “Myanmar Radio and Television(MRTV)” which is transformed as a Public Service Radio and broadcasting enterprise to implement the basic principles of the public service media stated in chapter 2 of this Act;
  - (e) **“Non-commercial Media”** means non-profit based printing and publication enterprises or radio and television broadcasting enterprises operated by civil society organizations, non-governmental organization, educational organizations and other sector related organizations for dissemination of necessary information to a relevant organization or a community;
  - (f) **“Parliament”** means the Union Parliament;

- (g) **“Ministry”** means the Ministry of Information, the Union Government;
- (h) **“Governing Board”** means Public Service Newspapers Enterprise Governing Board or Public Service Broadcasting Governing Board which are formed so as to conduct close monitoring, providing guidelines and giving advice over the Public Service Media enterprises.
- (i) **“Advertising”** means awareness of services, borrowing and purchase of goods, sales promotion, increase of knowledge or other forms of repercussions that advertisers intended to have on people as a result of advertisements on pages of a newspaper or broadcasts in allotted time for money or similar type of provision.
- (j) **“Transmission of Program”** means programs consisting of advertisements and various programs to be broadcasted within allotted time for intended audiences.
- (k) **“Sponsorship”** means either direct or indirect method of providing financial supports for publication and radio and television broadcasts to promote reputation, brands and goods of sponsors. Or an individual or an official organization giving support by means of direct involvement or non-involvement.
- (l) **“ Ethics and Rules”** means ethics and rules regarded as guidelines and standard practices in undertaking journalism enterprise, which are prescribed by each of relevant Governing Board of Public Service Newspaper Enterprise and the Public Service Broadcasting Enterprise.

## Chapter (2)

### Basic Principles of Public Service Media

3. Basic Principles of Public Service Media are as follows:
  - (a) The right to exercise freedom of expression and freedom to give information;
  - (b) Considering ethnicities, diversity of culture and languages, remoteness of geographical areas, a person’s disability, there is the right to produce programs which provide entertainment, notice, knowledge and information for the general public;
  - (c) There is the right to deliver creative and quality programs which present the general public’s various needs, different views; and producing programs for public interests that private medias fail to do; and
  - (d) It is necessary to have income to be able to operate the service in the long run despite the fact that public service media is not for profit.
4. In implementation of the Basic Principles, the Public Service Media shall comply with the following points:

- (a) being free from control of political, executive and economic sectors with serious consideration of editorial dignity;
- (b) covering fair, comprehensive and accurate news including local, regional and international news which can be beneficial to the general public;
- (c) expression of national character which reflects diverse culture of all national races in Myanmar;
- (d) including transmission of programs in languages of national races and minorities;
- (e) fair delivery of special programs by putting them among other favourite broadcasts to fulfill different needs of various audiences;
- (f) proper dissemination of information about the work of legislative, executive and judiciary branches;
- (g) including interests of divisions or states , self-administered regions, self-administered divisions ;
- (h) making the public known about unimportant announcements;
- (i) periodical distribution of issues intended for women, the disabled, the elderly and children in appropriate times;
- (j) supporting nationally produced programs; and
- (k) delivery of discussions programs on public affairs which can increase awareness internationally and domestically.

### **Chapter (3)**

#### **Public Service Media Enterprise Establishment**

##### **Entitlements and Duties**

#### 5. The Public Service Media shall:

- (a) provide services, as a non-profit enterprise, throughout the Nation including Divisions or States or Self-administered divisions or self-administered regions;
- (b) operate independently although it works with the license transferred from the Ministry. Independence of the Media shall always be respected;
- (c) have direct or indirect power in undertaking the Basic Principles. There shall be full authority in utilizing, maintaining and receiving transferred properties;
- (d) hand over its registration book to the Copyright and Registration Office of the Ministry of Information in accord with the existing law;

- (e) register at the Council in accord with section 27 in order to be able to use technical supports and services; and
  - (f) receive, upon the emergence of the Council under this law, the handover of the authority of the state-owned “The Mirror” and “New Light of Myanmar” newspapers, their operation, facilities, investment, financial account and other donated materials.
6. Exercising the granted power and duties under this law, the Public Service Media Governing Board shall take responsibility as to supervisions, maintaining contracts and management of received funds, belongings, facilities, investments, financial accounts, agreements.
7. Public Service Broadcasting Enterprise shall:
- (a) provide services, as a non-profit public service enterprise, throughout the Nation including Divisions or States or self-administered divisions or self-administered areas;
  - (b) operate independently although it works with the license transferred from the Ministry. Independence of the Media shall always be respected;
  - (c) have direct or indirect power in undertaking the Basic Principles. There shall be full authority in utilizing, maintaining and receiving transferred properties;
  - (d) obtain a license in accord with the law to transmit radio and television programs.
  - (e) register at the Council in accord with section 27 in order to be able to use technical supports and services; and
  - (f) receive, upon the emergence of the Council under this law, handover of the power of the state-owned “The Mirror” and the “New Light of Myanmar” newspapers, their operation, facilities, investment, financial account and other donated materials.
8. Exercising the granted power and duties under this law, the Public Service Media Governing Board shall take responsibility as to supervisions, maintaining contracts and management of received funds, belongings, facilities, investments, financial accounts, agreements. The State-owned Myanmar Radio and Television (MRTV) shall be transformed as the Public Service Broadcasting Enterprise once its operation is begun.
9. The Public Service Newspapers and Broadcasting Enterprises shall:
- (a) have the right to operate independently;
  - (b) have no pre-censorship and hindering over their freedom to express or distribution of their programs in the media;
  - (c) have freedom to express their editorials and their own information; and
  - (d) enjoy copyright related benefits.
10. The Public Service Newspapers and Broadcasting Enterprises shall :

- (a) work for the Public Interest;
- (b) aim form public interest in selecting programs and issues;
- (c) always respect freedom and rights of individuals and organizations;
- (d) endeavour to promote presentation of news and information in a creative way and to present high quality programs;
- (e) act critically and impartially in presenting news and information;
- (f) produce publication or programs in multi-languages of national races;
- (g) prioritize the media's presentation and production of programs which recognize diversity of national races in terms of language, literature, culture and unity of national character;
- (h) produce quality entertainment programs based on the people's desire.
- (i) publish or broadcast laws, decisions and announcement of the Parliament; and statements, procedures, decrees issued by the Government; and statements released by civil society organizations.
- (j) present entertainment, knowledge and educational programs for children.
- (k) present ideas of scholars, their views, debates and interviews with them.
- (l) comply with ethics and rules prescribed by relevant Governing Boards in performing the work.

#### **Chapter (4)**

##### **Non-commercial Medias**

#### 11. Non-commercial media(s):

- (a) has the right to freely write and express one's belief, opinions in accord with the provisions under the constitution of the Union of Myanmar;
- (b) is entitled to the rights and benefits that the Council has to give to the Public Service Media under section 27, sub-section a, b, d, e, and f ;
- (c) shall mention no other political announcements except for announcements issued by the Electoral Commission.

12. Non-commercial media shall not have other benefits except for the rights under section 11.

#### **Chapter (5)**

##### **Public Service Media Council**

13. The Council shall be composed of 15 members with experiences and expert knowledge in the areas of journalism or broadcasting, or creativity or economic and finance. Ratio of membership composition in this group shall be made in appropriate balance of persons with different talents, national races, veteran citizens, women, youth and so on.
14. For membership of the Council, five respective persons who meet requirements of this law shall be chosen by each of President, Chairperson of House of Nationalities and Chairperson of the House of Representative.
15. President shall appoint the chosen 15 persons as Council members.
16. Council members shall choose Chairperson, Deputy Chairperson and Secretary by free election.
17. There shall be transparency in appointment of Council members.
18. In order for the public to be able to inspect and scrutinize Council members' merit and characters, the list of nominees shall be released in advance.
19. The Council members shall not be someone:
  - (a) who is a government employee;
  - (b) who is an employee of a political party or who holds an official position;
  - (c) who is a serving member of a governmental organization;
  - (d) who is having benefits from either in direct or indirect involvement in a media enterprise; Or
  - (e) who has been convicted by a court for a serious crime or bad behaviour.
20. The Council members shall:
  - (a) act independently and morally in undertaking the Basic Principles prescribed in Chapter 2;
  - (b) not accept to implement unlawful orders;
  - (c) adhere to the principle for serving public interest, and not misuse their power for the interest of themselves or an organization or a third party.
21. President with the approval of Chairperson of the House of Nationalities and Chairperson of the House of Representative can dismiss a Council member from the position for the following reasons:
  - (a) being disqualified to be appointed as a Council member under section 19;
  - (b) having been convicted for a crime during the serving term;

(c) being absent from work for five consecutive months for any reason.

22. *[ed. Section 22 is missing]*

23. If a member wishes to resign before the end of the term, resignation letter can be sent to the President.

24. If a Council member is dismissed or voluntarily resigns or dies under section 22 and 23, then an appointment of a new member shall be made in accord with provisions of sections 14, 15, 16 and 17.

25. If a replacement to be made for voluntary resignation or official dismissal or decease, remaining term of a predecessor shall be served in full. The replacement can be made only when there is minimum of 6 months remained to end the term of predecessor.

26. The Council has power to act on the following matters:

(a) promotion of the Public Service Media Enterprise and Non-commercial Media enterprise throughout the nation to be able operate in sustainable way;

(b) monitoring of whether or not the Public Service Media complies with the following rules:

1. compliance with Ethics and Work Procedure Rules;
2. implementation of the provisions in chapter 2 of this law;
3. acting in accord with section 65 and 66 upon accepting advertisement and sponsorship;
4. accountability for the uploaded materials online;
5. establishment of a building to lodge documents and chronicles.
6. accepting political advertisements in accord with the instructions of the Union Electoral Commission;

(c) A circumstance in which the Council believes that the Public Service Media Enterprise contravenes regulations prescribed in section 100 *[ed. this appears to be a typo as section 100 does not exist in this bill]*, then it shall report the matter to a relevant Governing Board along with its recommendations;

(d) If a Governing Board takes no action, even after three months, over the matter reported by the Council in accord with the above subsection c, then the Council can make a warning by means of having a necessary investigation, condemnation, removal from the service; and in cases of serious violation, it can file a lawsuit;

(e) taking into account of other means of possible incomes and inflation rate of previous year after having a discussion with a relevant Governing Board of the Public Service

Newspaper and Broadcasting Enterprises, a proposal has to be submitted to the Parliament in order to receive annual funding as stated in section 64;

(f) management of supports sent for the Council by an individual or an organization from either foreign nations or inside the nation;

(g) Drafting Public Service Media laws.

27. The Council shall assist in the following matters for success of the Public Service Media:

(a) providing technical support with funds received from potential donors;

(b) providing capacity building by conducting training needs assessment, learning materials and trainings;

(c) conducting survey of customers; doing a research on impacts of new information and technology on the Public Service Media and other matters which could be beneficial;

(d) supporting exchange of information and programs among the Public Service Media(s);

(e) helping with buying printing machines and other materials which are necessary for the Public Service Media at discounted rate;

(f) negotiating with relevant government ministries for reduction of tariff over donated materials and devices; cost reduction of transportation for delivery of non-commercial newspapers;

(g) having a system to record activities for the Public Service Media to receive donation.

28. In accord with decrees issued by the Council, Council members shall have the right to enjoy salary, travelling allowance.

29. The Council can form its office team in accord with the provisions prescribed in the law.

30. The Council shall make necessary rules for office running, salary and benefits.

## **Chapter (6)**

### **Public Service Media Governing Board**

31. Relevant Governing Boards shall be accountable to the public through the Council.

32. Public Service Newspaper Enterprise Governing Board shall be composed of 11 members with experiences and expert knowledge in the areas of journalism or information and communication technology or legal issues, economics, management including treasury and community development. Ratio of membership composition in this group shall be made in appropriate balance of persons with different talents, national races, experts, veteran citizens, women, youth and so on.



33. The Public Service Broadcasting Enterprise Governing Board shall be composed of 11 members with experiences and expert knowledge in the areas of radio and TV program productions or technical skills or legal issues, economic management and so on. Ratio of membership composition in this group shall be made in appropriate balance of persons of different talents, national races, specialists, veteran citizens, women, youth and so on.
34. Governing Board members shall be appointed by the Council in accord with the following principles:
- (a) transparency in appointment process;
  - (b) a consideration can be given to persons from non-governmental organizations, civil society organizations and think thank groups;
  - (c) in order for the general Public to be able to inspect and scrutinize preliminarily nominated members, the list of candidates shall be made known to the general public in advance;
  - (d) a decision to choose Governing Board members shall be made by two thirds of the Council members' votes.
35. Appointed persons of the Governing Board shall not be:
- (a) a government employee;
  - (b) a member of a political party or holds an official position in it;
  - (c) someone who is given a position at a governmental organization;
  - (d) someone who is having financial benefits, either in direct or indirect way, from a media enterprise;
  - (e) someone who is convicted by a court for a serious crime or bad behaviour.
36. The Governing Board members shall :
- (a) act independently and fairly in undertaking the Basic Principles prescribed in chapter 2;
  - (b) not accept unlawful instructions;
  - (c) adhere to the principles for serving Public Interest, and shall not misuse their power for the interest of themselves, an organization or a third party.
37. The Governing Board members shall not be allowed to serve more than two terms with three year for a term.
38. The Council can dismiss a member of the Governing Board for the following reasons:
- (a) being disqualified to be appointed as a member under section 35;

- (b) having been convicted for a crime by a court during their serving term;
- (c) being recommended by two third of the Council members for dismissal; and
- (d) being absent from work for five consecutive months for a reason.

39. The Governing Board members shall have the right to enjoy salary and daily allowance as stipulated in the law.

40. The Governing Board members have responsibilities for:

- (a) formulation of internal policy; compliance with the Basic Principles of chapter 2, guiding the Public Service Media to act morally; drafting work procedures of the Public Service Media; appointment of director of Public Service Newspaper and Broadcasting Enterprises;
- (b) supervision for compliance with the Basic Principles of chapter 2; however, there shall be no influence over editors' freedom and daily activities of employees;
- (c) consultation with the executive to draft necessary provisions as to this law and other relevant laws, editorial policy, operation guidelines and procedures.
- (d) drafting annual report on the Public Service Newspaper or Broadcasting's expenditures by having a consultation with the executive for submission of report to the Council;
- (e) management over donations or supports sent for the Public Service Media Enterprise by an individual or an organization from foreign nations or inside the nation.

41. The Governing Board's method of operation is as follows:

- (a) each Governing Board shall appoint its chairperson and deputy chairperson by an election and makes regulations as to meetings and other matters;
- (b) the director shall attend meeting as a non-voting member, except on some issues determined by the Governing Board;
- (c) unless there are certain provisions, the Governing Board can make decisions depending on votes of meeting attendees from the Council members. If result of voting over a matter shows the same, the final decision is to be made with a vote from chairperson of the Governing Board.

42. The Governing Board members shall appoint one director for the Public Service Newspaper enterprise or a director for the Public Service Broadcasting enterprise with minimum of two-thirds of votes from meeting attendees.

43. The Governing Board can dismiss Director for the reasons including failure to respect the Basic Principles of chapter 2 and to promote the interest of the Public Service Media, and two thirds of its members' votes.

44. If Director is dismissed from the position under section 43, an appeal can be lodged to the Council.
45. Director is to be appointed for a three-year term and reappointment can be made at the end of the term. If a new director cannot be appointed at the end of serving director's term, he/she can work further three months until a new person is appointed.
46. Director shall comply with editorial policy of relevant editorial team and supervise the whole operation of the organization.
47. Director can propose the Governing Board for appointment of a senior officer in accord with the provision.
48. Director shall assign necessary duties in consistent with the allotted budget.
49. Directors and employees shall not:
  - (a) accept unlawful instructions;
  - (b) misuse their power for the interest of themselves, an organization or a third party. They shall adhere to the principle of serving public interest.

## **Chapter (7)**

### **Ethics and Work Procedure Rules**

50. The Governing Board has the responsibility to formulate Ethics, Work Procedure Rules and basic operational regulations for the Public Service Media. In drafting process, there shall be transparency and requirement of participation from editors, journalists, news presenters and the public.
51. The Governing Board-written Ethics and Work Procedure Rules shall be compatible with the relevant laws.
52. The following matters shall be included in Ethics and Rules of the Public Service Media enterprise.
  - (a) accuracy and fairness
  - (b) privacy, causing harms and fraud
  - (c) protection of minors
  - (d) usage of sexually abusive words
  - (e) treatment over victims and distressed persons
  - (f) crime or offence to human dignity
  - (g) advertising

- (h) payment for news and information and financial problems as to self-interest
- (i) discrimination
- (j) information leakage and protection of news sources

53. Anyone can report about violation of Ethics and Work Procedure Rules prescribed in section 50 and 52 to the Governing Board. The Governing Board shall resolve it fairly.
54. In accord with the provision of section 53, the Governing Board shall establish complain handling procedures.
55. Procedures stated in section 55 shall include the fact that it is required to mention correction over inaccurate reporting, allowing the relevant party to make a response to it and apology as to violated matters.

## **Chapter (8)**

### **Public Service Newspaper Enterprise**

56. The Public Service Newspaper utilizes not only print media but also online media.
57. The Public Service Newspaper shall endeavour at both national or local level, covering local issues, international affairs and major global events.
58. The Public Service Newspaper shall act in accord with the Basic Principles in chapter 2.
59. The Public Service Newspaper can use profits gained through its commercial services for the operation of the Public Service enterprise. However, the State fund cannot be used for such commercial services.

## **Chapter (9)**

### **Public Service Broadcasting Enterprise**

60. The Public Service Broadcasting enterprise shall :
- (a) be able to produce free terrestrial radio and television programs throughout the nation;
  - (b) be able to produce radio and television channels in different languages of national races in their respective Divisions or States or Self-administered divisions or Self-administered areas;
  - (c) in order to be able to implement broadcasting programs as stated in the above subsections a and b, required spectrums shall be allocated for the Public Service Broadcasting enterprise in accord with broadcasting law;

61. Utilizing broadcasting technology described in section 60 such as satellite broadcasting, cable broadcasting and other methods, there is the right to have extended channels.
62. The Public Service Broadcasting Enterprise shall:
- (a) endeavour radio and television programs, video production or subtitle making via internet in accord with the Basic Principles in chapter 2; and
  - (b) not misuse the State fund for commercial services; however, profit gained from the commercial services can be used for operation of the Public Service Media.
63. The Public Service Broadcasting Enterprise:
- (a) shall keep a master copy of broadcasted programs minimum of 28 days after their first broadcasts.
  - (b) continue to lodge the broadcasts that serve as evidence for dispute or complaints arisen until the problem is resolved.

## **Chapter (10)**

### **Funding**

64. The Public Service Newspaper and Broadcasting enterprises shall receive the State funding as follows:
- (a) The Public Service Newspaper and Broadcasting enterprises shall receive minimum of 70 percent of its expenditures from the State's budget; or the precise amount of it from some kind of tax incomes, as stipulated by the Parliament. The annual funding shall be directly sent to the Public Service Media.
  - (b) In order to receive shares of allotted funding from the State, each Governing Board of the Public Service Newspaper and Broadcast shall make a submission via the Council.
65. 30 percent of the funding required for the operation of the Public Service Newspaper enterprise shall be sought in the following methods:
- (a) production of printed advertisements and the advertising sector shall comply with the following rules;
    1. 70 percent of pages in publications shall be used for news and information; only 30 percent shall be utilized for advertisement purpose;
    2. no influence of advertisers shall have on editors;
    3. advertising fees shall be decided by the Governing Board.

- (b) development associations' donations.
- (c) proceeds of newspaper sales
- (d) non-interfering donations from local and international organizations.

66. The Public Service Broadcasting Enterprise shall seek 30 percent of its budget required for the operation in the following methods:

(a) the advertising: advertisements shall be made in compliance with the following rules:

1. advertising time shall not exceed 7.5 percent and 10 percent of daily broadcasting time and every program aired within allotted time, respectively;
2. no influence of advertisers shall have upon radio and television programs;
3. the Council shall decide advertising fees.

(b) sponsorship: sponsorship shall be accepted in compliance with the following conditions;

1. sponsored-programs shall make express declaration of sponsorship both in the beginning and in the end of each program;
2. sponsorship shall not cause harm to contents of the program and broadcasts;
3. sponsorship for newspaper programs shall not be accepted.

## **Chapter (11)**

### **Accountability**

67. The Governing Board shall release its annual report together with financial accounts audited by the Union Audit Office for the public to know. The following facts shall be included in its annual report:

- (a) annual income and summary of evaluation made by the Union Audit Office;
- (b) data about business or companies that the Public Service Media enterprise partly or fully owns by means of either direct or indirect involvement;
- (c) budget for its coming fiscal year;
- (d) information with regard to budget and management;

- (e) objectives for the coming years and evaluation of implementations for previous year's objectives;
- (f) editorial policy of the Public Service Media;
- (g) drafted plan and change of plans;
- (h) recommendation on publication of Public Service Newspapers and transmission of Public Service radio and television programs; and
- (i) information with regard to complaints from customers.

68. The Governing Board shall submit its annual report to the Council. The Council shall compile reports sent by each Governing Board and submit the final report with its evaluation to the President and the Parliament simultaneously.
69. The Governing Board shall include evaluation on the Director's performance in its annual report sent to the Council. The evaluation shall be released and disseminated widely.
70. (a) no one can disturb or take unlawful actions against editors, journalists and those working for the Public Service Media enterprises.
- (b) anyone in violation of the provision above subsection (a) shall be punished with a Kyat 500,000 fine.

## **Chapter (13)**

### **Provision for Transitional Period**

71. The Council and Governing Board shall be established nine months and twelve months, respectively after this law has come into force.
72. Until the Council and Governing Board begin to receive handover of the responsibility over the Public Service Newspaper and Broadcast enterprises in accord with this law, the Ministry of Information is to take responsibility of them.
73. If employees wish to work with the Public Service Newspaper and Broadcasting transformed from the State-owned entities, preference is given to those who meet requirements of each relevant Public Service Enterprise.
74. Employees who do not wish to work with the Public Service Medias transformed from "The Mirror", the "New Light of Myanmar" and the "MRTV", they can remain to be employees of the Ministry of Information.
75. Employees from "The Mirror", the "New Light of Myanmar" and the "MRTV", who have become employees of the Public Service Media shall cease to be regarded as government employees. However, compensation, pension or retirement pension will be granted in accord

with relevant laws, depending on the length of their employment services as government employees.

76. The Governing Board in consultation with the Director can grant employee bonuses for the purpose of improvement of employees and increase of productivity and depending on profit of each enterprise.

## **Chapter (14)**

### **Miscellaneous**

77. The Public Service Newspapers and Broadcasting Enterprises:

- (a) can provide online services;
- (b) shall have the rights and responsibilities for uploaded materials online;
- (c) shall establish chronicles for each department;
- (d) shall make efforts to make data from the department chronicles available online.

78. The Public Service Newspapers and Broadcasting enterprises and non-commercial media enterprises shall not allow advertisements about election candidates of any political parties, which is in contradictory to regulations and orders issued by the Union Electoral Commission.

79. The Council can release decrees, notifications, orders and procedures with the approval of its members.