

The Motion Picture Law

**(The State Law and Order Restoration Council Law No.9/96)
The 6th Waxing Day of Wagaung, 1358 M.E.
(20th August, 1996)**

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

Chapter I

Title and Definition

1. This Law shall be called the Motion Picture Law.
2. The following expressions contained in this Law shall have the meanings given here under:-
 - (a) Motion Picture means the representation of a still picture, moving picture or picture and sound by any cinematographic technology and the apparatus used for the representation of the same;
 - (b) Motion Picture Film means feature film, documentary film, archival film, news film, entertainment film or educative film, filmed and produced as a motion picture;
 - (c) Motion Picture Censor Certificate means a certificate issued under this Law by the Motion Picture Censor Board permitting public exhibition of a motion picture film;
 - (d) Motion Picture Business Licence means a licence issued under this Law to carry on any type of motion picture business;
 - (e) Cinema Hall includes a building, house or any other place for exhibition of motion picture;
 - (f) Cinema Hall Licence means a licence issued for the cinema hall;
 - (g) Assessment Board means the Assessment Board formed under this Law for raising the standard of Myanmar motion pictures;
 - (h) Myanmar Motion Picture Enterprise means the Myanmar Motion Picture Enterprise under the administration of the Ministry of Information. This expression also includes a person on whom power is conferred by the Myanmar Motion Picture Enterprise for the purpose of this Law.

Chapter II

Objectives

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

- (a) to modernize and upgrade the standard of Myanmar Motion Picture Business;
- (b) to cause the emergence of Myanmar motion picture films which will prove beneficial to the all-round development of the State and to the preservation of Myanmar cultural heritage;
- (c) to cause the emergence of Myanmar motion picture films which will contribute towards the unity of the national races and towards keeping alive and keen the sense of patriotism;
- (d) to promote the emergence of outstanding film artistes and film actors and actresses;
- (e) to prohibit decadent motion picture films which will undermine Myanmar culture and Myanmar traditions and customs.

Chapter III

Motion Picture Business Licence

4. A person desirous of carry on the Motion Picture Business shall apply for Motion Picture Business Licence for each type for the following business to the Myanmar Motion Picture Enterprise in accordance with the stipulations:-

- (a) production of motion picture film;
- (b) filming of motion picture film;
- (c) developing and printing of motion picture film;
- (d) sound recording of motion picture film;
- (e) editing of motion picture film;
- (f) distribution of motion picture film;
- (g) importing of motion picture film;
- (h) exporting of motion picture film.

5. The Myanmar Motion Picture Enterprise may, after scrutinizing as to whether or not the applications is in conformity with the stipulations, grant or refuse the Motion Picture Business Licence.

6. The Ministry of Information shall determine the tenure of the Motion Picture Business Licence, the Motion Picture Business Licence fee, late fee and extension of the tenure fee.

7. (a) A person desirous of extending the tenure of the Motion Picture Business Licence shall, on expiry apply to the Myanmar Motion Picture Enterprise, in accordance with the stipulations;

(b) The Myanmar Motion Picture Enterprise may after causing the prescribed fee to be paid extend the tenure.

8. The Myanmar Motion Picture Enterprise

(a) shall determine the terms and conditions to be abided by the Motion Picture Business Licence holder;

(b) may punish the Motion Picture Business Licence holder, who violates any of the terms and conditions prescribed under sub-section (a) with fine from a minimum of kyats 5000 to a maximum of kyats 50000. In addition, it may revoke the Motion Picture Business Licence.

9. The Motion Picture Business Licence shall become invalidated on expiry of the tenure or on revocation or when surrendered by the Motion Picture Business Licence holder.

Chapter IV

Motion Picture Censor Board

10. The Ministry Of Information-

(a) shall form the Motion Picture Censor Board with the following persons:-

(i) Managing Director
Myanmar Motion Picture Enterprise Chairman

(ii) representatives from
the relevant Government Member
departments and organizations

(iii) suitable citizens Members

(iv) Director Secretary
Myanmar Motion picture enterprise

(b) may determine the tenure of the Motion Picture Censor Board;

(c) may re-constitute the Motion Picture Censor Board, as may be necessary.

11. The non-governmental member of the Motion Picture Censor Board is entitled to the remuneration prescribed by the Ministry of Information.

12. In accordance with the policy laid down, the Motion Picture Censor Board-

(a) shall scrutinize the feature submitted before commencement of filming of the motion picture film;

(b) may grant or refuse the filming of the feature;

(c) may, after causing the feature to be modified, as may be necessary grant or refuse filming thereof.

13. When application is made for Motion Picture Censor Certificate in respect of Myanmar motion picture films and motion picture films which have been imported, the Motion Picture Censor Board, after examining as to whether they are in accordance with the policy laid down or not-

(a) may permit exhibition to the public or to a reserved audience;

(b) may permit public exhibition of the Myanmar motion picture film, after causing excision and modification to be made of the portion which is not suitable for public exhibition and may retain or destroy such excised portion;

(c) may permit public exhibition of the imported motion picture film, after making excision of the portion which is not suitable for public exhibition and may retain or destroy such excised portion;

(d) may prohibit public exhibition of the Myanmar motion picture film and may retain or destroy such motion picture film;

(e) may prohibit public exhibition of the imported motion picture film and may cause to be returned or retain such motion picture film;

(f) shall issue the Motion Picture Censor Certificate, on payment of the prescribed fee, if the motion picture film is permitted for public exhibition.

14. (a) The Motion Picture Censor Certificate issued by the Motion Picture Censor Board shall be valid for the prescribed period throughout Myanmar;

(b) The Motion Picture Censor Certificate issued by the Motion Picture Censor Board shall be exhibited together with the motion picture film.

15. (a) On expiry of the tenure of the Motion Picture Censor Certificate, a person desirous of extending the tenure shall apply to the Censor Board in accordance with the stipulations;

(b) The Motion Picture Censor Board may extend the tenure of such certificate, after causing payment of the prescribed fee to be made.

16. The Motion Picture Censor Board may demand the exhibition before itself of any motion picture film for examination.

17. The Motion Picture Censor Board may-

(a) revoke any Motion Picture Censor Certificate, if there is valid reason to do so;

(b) when the motion picture censor certificate is revoked-

(i) retain or destroy the Myanmar motion picture film;

(ii) cause to be returned or retain the imported motion picture film.

18. If a person dissatisfied with the decision passed by the Motion Picture Censor Board under section 13 sub-section (b), sub-section (c), sub-section (d), sub-section (e) or under section 17 sub-section (b), an appeal to the Ministry of Information, the Motion Picture Censor Board shall cause compliance in accordance with the order passed in the appeal. If no appeal is filed, it shall cause compliance in accordance with its decision on the expiry of the appellate period.

Chapter V

Assessment Board for Raising the Standard of Myanmar Motion Pictures

19. The Ministry of Information-

(a) shall form the Assessment Board for raising the standard of Myanmar motion pictures, consisting of the following persons:

(i) Deputy Minister
ministry of Information

Chairman

(ii) Managing Director
Myanmar Motion Picture Enterprise

Vice-chairman

(iii) representatives from the relevant
Government departments and organizations

Members

(iv) suitable citizens

Members

(v) Director
Myanmar Motion Picture Enterprise

Secretary

(b) may determine the tenure of the Assessment Board;

(c) may re-constitute the Assessment Board, as may be necessary.

20. The non-governmental member of the Assessment Board is entitled to the remuneration prescribed by the Ministry of Information.

21. The Ministry of Information may determine the types of outstanding Motion Picture Awards which are to be scrutinized and assessed by the Assessment Board from time to time and may make modifications, if necessary.

22. The Assessment Board shall-

(a) scrutinize and assess all Myanmar motion pictures screened during a Calendar year, as to whether or not they are in conformity with the policy laid down, to enable making of awards for outstanding Myanmar motion pictures;

(b) recommend to the Ministry of Information, a list of nominees, who deserve to be awarded according to the types of outstanding motion picture awards prescribed the Ministry of Information, after scrutinizing and assessing under sub-section (a).

23. The Assessment Board may make copies of the Myanmar motion picture film which has been scrutinized and assessed, as may be necessary.

Chapter VI

Cinema Hall Licence

24. A person desirous of obtaining a Cinema Hall Licence shall apply to the Myanmar Motion Picture Enterprise in accordance with the stipulations.

25. The Myanmar Motion Picture Enterprise shall-

(a) scrutinize the application for Cinema Hall Licence, as to whether or not it is in conformity with the stipulations;

(b) request the opinion of the relevant Government departments and organizations before granting the Cinema Hall Licence;

(c) grant the Cinema Hall Licence if it is in conformity with the stipulations.

26. The Myanmar Motion Picture Enterprise shall, with the approval of Ministry of Information, determine the tenure of the Cinema Hall Licence, Cinema Hall Licence fee, late fee and extension of the tenure fee.

27. (a) On expiry of the tenure of the Cinema Hall Licence a person desirous of extending the tenure shall apply in accordance with the stipulations;

(b) The Myanmar Motion Picture Enterprise may, after causing the prescribed fee to be paid extend the tenure of the Cinema Hall Licence.

28. The Myanmar Motion Picture Enterprise-

(a) shall determine the terms and conditions to be abided by the Cinema Hall Licence holder;

(b) may punish the Cinema Hall Licence holder who violates any of the terms and conditions prescribed under sub-section (a) with a fine from a minimum of kyats 1000 to a maximum of kyats 10000. In addition it may revoke the Cinema Hall Licence.

29. The Cinema Hall Licence shall become invalidated on the expiry of the tenure or on revocation or when surrendered by the Cinema Hall Licence holder.

Chapter VII Appeals

30. A person dissatisfied with the decision or order passed by the Motion Picture Censor Board or Myanmar Motion Picture Enterprise may file an appeal to the Ministry of Information within 30 days from the date of such decision or order.

31. The Ministry of Information may, in respect of the appeal, confirm, set aside or revise the decision or order of the Censor Board or the Myanmar Motion Picture Enterprise or direct a re-scrutiny or re-examination to be made.

32. The decision of the Ministry of Information shall be final and conclusive.

Chapter VIII Offences and Penalties

33. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 1 year or a fine which may extend to kyats 100000 or with both and in the case of a continuing offence, be punished with a further fine of kyats 1000 for each day during which the offence continues. In addition, the exhibitions which relate directly to such offence shall be liable to confiscation-

(a) carrying on any type of motion picture business mentioned in section 4, without the Motion Picture Business Licence;

(b) exhibiting a motion picture film without the Motion Picture Censor Certificate.

34. Whoever carries out exhibition of motion picture without the Cinema Hall Licence shall be punished with imprisonment for a term which may extend to 6 months or a fine which may extend to kyats 50000 or with both and in the case of a continuing offence, be punished with a further fine of kyats 500 for each day during which the offence continues.

Chapter IX

Miscellaneous

35. (a) A Foreign Diplomatic Organization or United Nations Organization desirous of exhibiting imported motion picture film to the public shall submit the same to the Motion Picture Censor Board for examination;

(b) The Motion Picture Censor Board may, after examination

(i) permit public exhibition, if it deems appropriate to do so;

(ii) permit, after excising the portion unsuitable for public exhibition and retain the excised portion before returning the motion picture film abroad;

(iii) permit exhibition only to reserved audience, within the premises of the relevant Foreign Diplomatic Organization or United Nations Organization.

36. The Myanmar Motion Picture Enterprise shall be exempted from paying taxes and duties for the Motion Picture Business Licence, Cinema Hall Licence and Motion Picture Censorship.

37. The Ministry of Information may by notification, exempt Government departments and organizations, from any of the provisions of this Law.

38. Offences under this Law are prescribed as offences cognizable by the Myanmar Police Force.

39. The Myanmar Motion Picture Enterprise shall:-

(a) carry out the office work and

(b) bear the expenditure of the Motion Picture censor Board and the Assessment Board.

40. (a) The rules, orders and directives which have been issued under the Union of Myanmar Motion Picture Law, 1962, may continue to be applicable in so far as they are not inconsistent with the provisions of this Law;

(b) The existing Motion Picture Censor Board, Appellate Authority Board and the Licensing Authority which have been formed under the Union of Myanmar Motion Picture Law, 1962 may continue to perform their duties, before the Motion Picture Censor Board and Assessment Board can be formed under this Law;

(c) The Licence, Certificate for motion picture films and registration of motion picture business which have been granted under the Union of Myanmar Motion Picture Law, 1962 shall be deemed to be valid until the day of expiry of their tenure.

41. For the purpose of carrying out the provisions of this Law:-

(a) the Ministry of Information may issue such rules and procedures as may be necessary, with the approval of the Government;

(b) the Ministry of Information, Myanmar Motion Picture Enterprise, Motion Picture Censor Board or Assessment Board may issue such orders and directives as may be necessary.

42. The Union of Myanmar Motion Picture Law, 1962 is hereby repealed.

Sd./Than Shwe

Senior General

Chairman

The State Law and Order Restoration Council