

Press Law Bill (First Draft)

Chapter (1)

Title and Definitions

1. This Act shall be cited as the Press Law.
2. The following terms contained in this Act shall have the meanings given hereunder:
 - (a) 'Press' means public information and mass communications which are composed of tasks related to news including, but not limited to, searching, retrieving, possessing, storing, reporting, analyzing or transmitting information by using various forms such as text, sound, image, image and sound, numbers and figures or designs.
 - (b) 'Council' means the press council established in accordance with the provisions of this Law.
 - (c) 'Broadcasting' means broadcasting sounds or images for general public use.
 - (d) 'Newspaper' refers to any periodical paper which contains matters concerned with the news events happening at the local and international level.
 - (e) 'News reporter' means a person who investigates, writes and submits news reports to any press.
 - (f) 'Journalism' includes newspapers, journals, magazines, books in which news, fictions, articles, poems, cartoons, photographs or illustrations are expressed in the form of print media, electronic media or any other means using media technology.
 - (g) 'Printer' refers to a person who operates printing presses or an organization which provides printing services to print any genre of journalism.
 - (h) 'Publisher' means a person or an organization that publishes literary works including, but not limited to, newspapers, news journals, magazines, fictions, cartoons or non-fictions.
 - (i) 'Distributor' means a person or an organization that distributes printed books, literary works and journals across various regions.
 - (j) 'News agency' means an organization which retrieves local and international news and distributes them in the forms of print media or electronic media.
 - (k) 'Censorship' means cutting, removing or allowing all or part of the contents in any journalistic work to be published, or threatening or asking permission for publishing such kind of contents.
 - (l) 'Government' means The Government of the Republic of the Union of Myanmar.
 - (m) 'Minister' means Union Minister of Ministry of Information, The Government of the Republic of the Union of Myanmar.

(n) 'Ministry' means Ministry of Information, The Government of the Republic of the Union of Myanmar.

Chapter (2)

Objectives of the Act

3. To encourage the development of the media industry by adhering to the citizens' right to express and publish freely their convictions and opinions, granted by virtue of Article 354(a) of the Constitution of the Republic of the Union of Myanmar.
4. To protect and promote the people's right to information and pronouncement of their convictions and opinions based on the information received.
5. To make the media industry becomes a fourth pillar which effectively fulfills the public interest by means of watching and guiding other three branches of government.
6. To draft and promulgate ethics and regulations which journalists and media professionals must comply with.
7. To protect freedom of press and other related rights of journalists and journal publishers.
8. The publications shall be to benefit the national and public interest.
9. To practice arbitration as the first priority of conflict resolution, in case of disputes arising out of the journalistic publications and news broadcasts.
10. To establish a press council by legislating the regulatory provisions in order to implement the objectives of this law.

Chapter (3)

Rights of the Journalists

11. Every citizen has a right to acquire and provide information freely.
12. A journalist has freedom from being deterred, restricted or intimidated to a citizen's right to acquire information freely and has a right to report or broadcast freely based on one's own investigation, which is done in accordance with the media ethics.
13. A journalist has a right to publish articles which may express the violations of a citizen's rights guaranteed by law.
14. A news reporter has a right to enter and exit, get a place and record news, in accordance with the regulation, at premises such as offices, departments, organizations.

15. A journalist has a right to be free from the duty of seeking permission to publish his or her unpublished works from the censorship board.
16. A journalist has a right to present fictions, articles, criticisms and analysis in a form of editorial headline.
17. Apart from the imperiled matters towards public and national security, a journalist has a right to ask permission to see the office accounts, projects and non-secret records from the government departments and associations formed with the public fund
18. A journalist has a right to deny the demand to reveal the source of information retrieved.
19. A journalist –
 - (a) has an intellectual property right
 - (b) has a right to register one's own intellectual work
20. In a war conflict zone, a reporter –
 - (a) has a right to be protected as capable as possible
 - (b) has a right to be free from arrest
21. Upon compliance with the regulations, an individual has a right to establish one's own press and news agency.
22. An individual has a right to be free from the State's privatization of one's private news or media agency under any circumstances
23. A journalist working at the areas of uprising, mass demonstration, and conflict zones has a right to be free from authorities' recording of the journalist's movements and seizure of the news reports (sound, image, photo, documents, papers) owned by the journalist

Chapter (4)

Duties of the Journalists

24. The journalists and the press shall abide the following provisions:
 - (a) All information provided shall be closely scrutinized to be accurate, correct and as flawless as possible.
 - (b) In the event of fixing mistakes and inaccuracies, the respective media agency shall fix mistakes and re-publish the correct version as soon as possible. The agency shall place explanatory notes concerning such incident distinctively on the closest page of the incident.

- (c) The name of the information provider or the name of the source of the news may be kept private according to the will of the party most concerned. Subject matters which a party provides on trust shall be kept private.
 - (d) When expressing the pending court cases in media, the media shall have to acknowledge that the defendant is innocent before the law.
 - (e) When retrieving and publishing news, the journalist shall acknowledge the name of the media for which he or she represents.
 - (f) The advertisements in the forms of news, photos, articles, shall be made known and distinguishable as advertisements.
 - (g) In terms of reporting news, the reporter shall not express his or her opinion. Biased expressions are now allowed.
 - (h) Except for the reason of public interest, expressions which degrade the dignity of an individual or an organization, or expressions which violate individual rights shall be avoided.
 - (i) Whilst reporting news, the provisions of any law for the women and children shall be abided.
 - (j) Writings which encompass discrimination, conviction or provocative expressions on the ground of place of birth, religion and race are now allowed.
 - (k) All journalists shall not take any privilege or bribery.
 - (l) False propaganda made up in conjunction with any commercial or political organization's authority is not allowed.
 - (m) Copying news, photographs, articles originally generated by other creator is prohibited without the consent of the creator of the original work. When the creator of the original work consents, it is still required to acknowledge the original source of creation.
 - (n) Unless accuracy of news is proven, news retrieved from electronic media such as internet and social networks shall not be published or distributed.
25. Whilst reporting news about menacing subject matters for the public such as tobacco, opium, liquor, acquired immunodeficiency syndrome (AIDS) and other transmissible diseases, publications which can vitiate the general welfare of the public shall be avoided.
26. Expressions which degrade the dignity of the people with social problems or disability shall be avoided.
27. Ethics, regulations, road maps, and decisions concluded by the press council must be abided.

Chapter (5)

Formation of the Press Council

28. The President of the Republic of the Union of Myanmar –

- (a) in order to administer the implementation of the objectives of this law, shall form a press council freely and accordingly with the regulations
- (b) shall confer authority and impose responsibilities of the press council in the regulations
- (c) in the regulations, shall determine the ratio of participating delegates, representing on behalf of the council members, media organizations and other professional organizations
- (d) The press council is the only council for free press society in Myanmar.

Chapter (6)

Establishment of Press Entities

29. Every citizen, upon compliance with the national investment law currently in force, may

establish press and media entities. The right to establish press and media entities must not contravene the laws and regulations currently in effect.

30. Once establishment of such entity is permitted, it must be registered at the designated registration office.

- (a) The valid period of registration card shall be formulated in the regulation.
- (b) When the valid period, issued subject to the regulation, is expired, the registration status is renewable as stipulated in the regulation.
- (c) In the events when the registration card, issued in accordance with the regulation, is either ceased by some other reasons or intentionally terminated by the registrant him/herself, then the assigned business permit and the registration card must be surrendered to the designated authority.
- (d) The registration office, except for the court's decision, is not authorized to revoke or deny any registration card already issued.

Chapter (7)

General Provisions

31. When an aggrieved person or a complainant who suffers as a result of a particular published work or a broadcast from a press, before filing a case on the ground of either criminal charge or civil charge at the court, files a complaint to the press council through proper procedures stipulated in the regulation, the complainant shall seek for the arbitration commenced by the press council.
32. The press and media industry mentioned in this Act, apart from the exceptions in Article 33, includes all kinds of published journalistic works, statements, and broadcasts nationwide.
33. The provisions of this Act exclude the following statements;
 - (a) statements delivered by three branches of government to their respective junior branches and departments;
 - (b) letter report posted back and forth among religious and social organizations;
 - (c) statements posted back and forth among commercial and financial entities; and
 - (d) the 'exemption statement' postulated by the election law of the Republic of the Union of Myanmar.
34. Regarding journalistic works imported from foreign countries to Myanmar, respective ministry may promulgate a separate regulation to be able to inspect whether these items are capable of threatening the national security and public interest
35. The government is authorized –
 - (a) to seize, search, and arrest if journalistic works are found with the items which are deliberately capable of threatening national security and interest
 - (b) to close down the video, recording tapes, internet and websites, produced locally and internationally, which may jeopardize the people's lives and national security and, so, to declare procedures, in accordance with the Law currently in force, of arrest.
36. This Act repeals the **Printers and Publishers Registration Law of 1962**.