

The Contempt of Courts Law
The Pyidaungsu Hluttaw Law No. 17/2013
7th Wanning of Waso 1375 M.E
29th July 2013

Introduction

The Pyidaungsu Hluttaw hereby enacts this law with the purpose of having free and fair Judiciary, without affecting the prestige of the court and public trust in it.

Chapter 1

Title and Definition

1. This law shall be called the **Contempt of Courts Law**.
2. The expressions contained in it shall have the meanings given hereunder:
 - (a) **The Court** means the following courts formed under the provision of section 293 of the Constitution of the Republic of the Union of Myanmar:
 - (1) The Supreme Court of the Union, the High Courts of the Region and State, Courts of the Self-Administered Division, Courts of the Self-Administered Zone, District Courts, Township Courts and the other Courts Constituted by Law;
 - (2) Courts-Martial;
 - (3) Constitutional Tribunal of the Union.
 - (b) **The Contempt of Courts** means Civil and Criminal Contempt of Courts;
 - (c) **Civil Contempt of Courts** means disobedience of Judgment, Decree, Order, Directive, or Summon intentionally;
 - (d) **Criminal Contempt of Courts** means orally or by words or by sign or by significant pattern or other means or announcing intentionally, by describing in writing as information, publishing or distribution of any matter for any conduct as follow:
 - (1) Scandalizing the court at which power is conferred legally;
 - (2) Affecting the fair judicial case, interfering or disturbing;
 - (3) Impairing the public trust upon fair and free judiciary by any means;
 - (4) Pre-commenting, describing in writing, publishing, distribution, before the judicial decisions are passed;

- (e) The High Court means the High Courts of the Region and State.

Chapter 2

The jurisdiction and the right to take action

3. The High Court has the right for examination and jurisdiction for the Contempt of the Courts under this law.
4. The High Court has the right to take action according to the application of the responsible person of the relevant court for the Contempt of the Supreme Court of the Union, Court-Martial, and Constitutional Tribunal of the Union.
5. The High Court:
 - (a) at its own discretion or
 - (b) upon the application of the aggrieved client or
 - (c) by other means or shall have the right to take action for the contempt of the courts. But shall not have the right to take action if committing the accused contempt is contempt to be punished by criminal proceeding.
6. The High Court:
 - (a) Shall institute the Civil Contempt by the Civil Institution;
 - (b) Shall prosecute the Criminal Contempt by the Criminal proceeding.

Chapter 3

Immunity

7. In connection with the judicial act which is being undertaken, orally or by words or by sign, by significant pattern, or by other means or announcing, by describing in writing as information, or publishing or distribution, of any fair, true and firm shall not be regarded as the Contempt of Court.
8. Publishing or distributing the comment or fair review on a quality of judicial act of which the final order has been passed, shall not be regarded as the Contempt of Court.
9. Notwithstanding to be included in this law, except the following matters, in connection with the judicial act performed in the special office room which is restricted to be entered by the public, publishing or distributing the true, fair and firm report, shall not be regarded as the Contempt of Court :
 - (a) Publishing or distribution opposing the stipulations under any existing law;

- (b) Publishing or distribution of data information and configuration of a judicial act, clearly prohibited by the court, according to the policy relating to the public or exercising the power entrusted;
- (c) Publishing or distribution of data information relating to the innovation or investigating and discovering the disputed secret work scheme in a judicial act.

Chapter 4

Offence and Penalties

- 10. If anyone is convicted of committing the criminal contempt of court, shall be punished with imprisonment for a term not exceeding six months without labour, or with fine not exceeding kyat one lakhs, or with both.
- 11. If anyone is convicted of committing the civil contempt of court, he shall be punished with a fine not exceeding kyat one lakh. If it is assumed that it is not enough with a fine, he shall be punished with civil imprisonment for a term not exceeding three months.

Chapter 5

Appeals

- 12. The High Court may acquit after giving warning or may discharge, if a person, who is committed criminal contempt of court or, civil contempt of court, apologizes to the satisfaction.
- 13. In connection with the Contempt of Court, if a person is dissatisfied with the judicial decision passed by the High Court, he may appeal to the Supreme Court of the Union.

Chapter 6

Miscellaneous

- 14. It shall be instituted within one year with effect from the day assumed to be committed the Contempt of Court. The said case may not be taken action by any court beyond the stipulated time.
- 15. The Supreme Court of the Union may issue the necessary rules, order, directive, and procedures.
- 16. The Contempt of the Courts Act shall be repealed by this law.

*CONVENIENCE TRANSLATION – for further
information, contact info@pwplegal.com*



I hereby sign according to the Constitution of the Republic of the Union of Myanmar.

Thein Sein

The President

The Republic of the Union of Myanmar