

Broadcasting Law (Draft)
(2014, Pyidaungsu Hluttaw Law Number-----)
1375 ME-----
(-----/-----/2015)

Preamble

The Pyidaungsu Hluttaw hereby enacts the following law.

Chapter I

Titles and Definitions

1. This Law shall be called the Broadcasting Law.
2. The following terms contained in this Law shall have the meanings given hereunder:
 - (a) **Broadcasting** means transmission of radio and/or television programmes in encoded and uncoded form by means of terrestrial transmitters, cables and satellites intended the direct reception by the general public. In this definition, internet based broadcasting shall not be included.
 - (b) **Advertising** means paid-for spots broadcast and/ or sponsored programs which aim to persuade the broadcast audience to promote or patronize/favor a specific idea, individual, product, service and company.
 - (c) **Public service announcement** means a non-profit broadcast which aims to introduce or provide knowledge people to follow or to obey or to introduce thoughts, ideas, intentions and suggestions or other reports which are influence on the people, accordance with the sent reports.
 - (d) **Broadcasting** services mean the public service broadcasting, commercial sroadcasting services, community broadcasting services, government broadcasting services and broadcast distributing services.

- (e) **Public Service Broadcasting** means the Public Service Radio and Television Broadcasting abiding by and implementing the basic principles of the public service media; such as, universalities, diversities and independence.
- (f) **Commercial broadcasting services** are commercial organizations, run by Myanmar citizens, or foreigners or foreign organizations with the investment granted by the current laws, which conduct radio or television broadcasting and related activities for profit.
- (g) **Community broadcasting services** mean radio and television broadcasting which is not intended for the profit, and administered by the civil societies, nongovernmental organizations, public based organizations, acadameic societies and other organization to distribute the necessary information for relevant organization or civil society.
- (h) **Government broadcasting services** mean radio and television services which is owned and administered by union level government organization, state, region and self-administerative regional governments in order to broadcast public information accurately.
- (i) **Broadcast Distribution Services** are organizations licensed to provide pay broadcasting services. They distribute radio, television, multimedia programs produced by themselves or by other broadcast institutions to their subscribers. Distribution system can be through satellite, cable and terrestrial system.
- (j) **Broadcast Spectrum management** means managing radio and television frequencies designated by the Ministry of Telecommunication and Information Technology only for broadcasting. Authority will manage the broadcast spectrum.
- (k) **Broadcast license** means the right to operate television and radio stations.
- (l) **Broadcast zone** means a specific geographic area reached by a broadcast signal.
- (m) **Code of Conduct** means the Code promulgated and adopted by the Council after due consultation with broadcast industry stakeholders. It

includes provisions on ethical practices, content standards and other areas the Council may deem necessary.

- (n) **Independent producer** is an individual or company who produces programmes for radio or television and who is independent of any particular broadcast institution.
- (o) **Primary broadcaster** shall refer to public service, commercial, government and community broadcast institutions engaged in production of original programmes.
- (p) **Authority** means the National Broadcasting Development Authority.
- (q) **Council** means National Broadcasting Council which is created by virtue of this law. The Council shall be autonomous and independent from government authorities, juridical and natural persons involved in the planning, production, and broadcasting of radio and television programmes.
- (r) **Ministry** is the Ministry of Information of the Union Cabinet.

Chapter II

Objectives and Principles

3. The overriding objectives of this law are:
 - (a) to promote the use of broadcast spectrum, designated by the Ministry of Telecommunication and Information Technology, as a common development resource,
 - (b) to promote access by the public to a wide variety of broadcast services as well as broadcasting content,
 - (c) to ensure that broadcast services meet minimum standards, and to provide the public with a system for participating in pursuing quality broadcasting which meets the information, education and entertainment needs of the people of Myanmar.
4. The development and regulation of broadcast industry in Myanmar shall be based on the following principles:
 - (a) freedom of expression, professionalism and independence of the broadcast media

- (b) balanced development of public service broadcasting, commercial, community and government broadcasting services
- (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 in the field of broadcasting
- (e) fairness, objectivity, non-discrimination, efficiency and transparency in the procedure for granting frequencies and licenses for broadcast media ensuring that all areas of the country receive broadcast service.

Chapter III

Creation of National Broadcasting Development Authority, Duties & Responsibilities

5. The Authority shall be a mutli-sectoral and inter-agency body composed of the following:

- Union Minister of the Ministry of Information – Chairman
- Union Minister of the Ministry of Telecommunications and Information Technology – Vice Chairman
- Deputy minister of the Ministry of Information – Member
- Deputy minister of the Ministry of Home Affairs – Member
- Deputy minister of the Ministry of Science and Technology – Member
- Chairman, National Broadcasting Council – Member
- A Representative from Public Service Broadcasters - Member
- Director, Directorate of Public Relation and Psychological Warfare, Ministry of Defence -Member
- Representative from the association of commercial broadcasting companies - Member
- Representative from the computer academic association – Member
- Director General, Information and Public Relation Department – Secretary

6. The Authority shall assume the following duties and responsibilities:
- (a) Develop in consultation with the Council a long-term strategic national broadcasting development plan.
 - (b) Develop, in consultation with the Ministry of Telecommunication and Information Technology, the Broadcast Spectrum Management Plan;
 - (c) allocate broadcasting services in designated broadcasting zones and publicize such allocation plan;
 - (d) Draft and adopt policies that will stimulate the growth and development of the broadcasting sector while creating a healthy competitive and free market environment.
 - (e) Approve the technical standards for broadcasting technology, equipment and apparatus related to production, import and distribution.
 - (f) Supervise the broadcast related activities such as manufacturing, importing and exporting of TVRO and settlite receivers and related equipments.
 - (g) In the performance of its duties and responsibilities the Authority shall adhere to open, transparent and participatory process.
 - (h) Facilitate the emergence and enforcement of a seamless and coordinated telecommunications regulatory framework inclusive of the broadcasting industry;

Chapter IV

Creation of National Broadcasting Council, Power, Duties and Responsibilities

7. Persons who possess the following qualifications shall be entitled to be selected as member of the Council:
- (a) person who has attained the age between 35 and 70;
 - (b) citizen who was born of both parents who are citizens;
 - (c) Those who shall have the expertises by virtue of their education or experience, in the fields of:
 - (i) broadcasting,
 - (ii) telecommunications,

- (iii) law,
 - (iv) business management and finance
 - (v) consumers' protection and citizens' rights education, culture and social development.
8. No one shall be appointed to the Council if he or she:
- (a) Holds an elective or paid position in a political party;
 - (b) Holds a position in a government formed committee or commission;
 - (c) Holds a position, receives salary from or has directly or indirectly, significant financial interests in mass media;
 - (d) Has been convicted, after due process in accordance with legal principles, of a crime of dishonesty or theft;
 - (e) is legally decided as a mentally disabled person;
 - (f) civil service personnel;
9. The process of nominating and appointing council members shall be open and transparent; professional and civil society organizations shall be encouraged to participate in the nomination process.
10. To organize the council, the President, speaker of Pyithu Hluttaw and speaker of Amyotha Hluttaw shall nominate six candidates each, total 18 candidates.
11. The names of nominees shall be published by the authority in advance and the public shall be invited to give feedback on the competence, moral character, and professional standards of these nominees.
12. The President shall appoint the nine Council members out of the nominated members with the regard from public feedback.
13. The Council members shall elect among themselves their own chairperson, vice-chairperson and secretary via secret voting.
14. The Council shall exercise the following powers:
- (a) preparing the necessary policies rules and regulations of this law, for the development of broadcast industry, after the conduct of series of consultation;
 - (b) Allowing licenses to the appropriate ones among the applicants after scrutinizing their license proposals;
 - (c) publishing and adopting the broadcasting codes of conduct and rules and procedures;

- (d) imposing administrative sanctions against a broadcast institution, which after due process, has been found guilty of violating the broadcasting law including rules and procedures adopted by the Council;
- (e) suspending and revoking after due process the license of a broadcast company for violation of its license subject to appeal to an appropriate court;
- (f) imposing such fees and charges as may be necessary to cover reasonable costs and expenses for the regulation and supervision of the operations of broadcast institutions;
- (g) recognizing broadcast institutions and programmes which have earned public appreciation for quality services;
- (h) coordinating with the Authority, relevant government departments, civil service organizations and academic societies to create an environment for a free and fair competition in the broadcast industry;
- (i) assisting for the human resource development of professionalism in the broadcast industry;
- (j) ensuring development of the broadcast industry and protect rights and opportunities of the license holders;
- (k) establishing fees and tariffs which are fair and reasonable and which provide for the economic viability of broadcast institutions and a fair return on their investments.
- (l) defining duties and responsibility of council members.
- (m) Defining the numbers of licenses and allocating broadcasting services in designated broadcasting zones of the country.
- (n) issuing, renewing and revoking broadcast licenses.

15. To exercise the powers vested therein, the Council shall perform the following duties and responsibilities:

- (a) coordinate with the Authority in spectrum management particularly in the area of broadcast frequencies;
- (b) develop a licensing programmes and procedures for broadcast institutions engaged in production and distribution of programmes;
- (c) adopt broadcasting codes of conduct in consultation with broadcast institutions and civil society organizations;

- (d) monitor compliance by license holders with the broadcasting law including the code of conduct as well as their original broadcast proposals and terms of licenses;
 - (e) deal with complaints from natural or juridical persons regarding the breach of the codes of conduct or from persons with a direct legal interest regarding the non-compliance by a broadcast institution with its license, provisions of the broadcasting law and any rules and regulations adopted by the Council;
 - (f) conduct investigation including compelling witnesses to appear before it and requiring broadcast institutions to provide it with relevant documents and information;
 - (g) publish regularly bulletins on its activities in mass media;
 - (h) coordinate with the Authority, government agencies, broadcast institutions, professional broadcast associations, and civil society organizations in pursuing programs and activities for the development of the broadcast industry.
16. All Council members shall :
- (a) be independent and impartial in the exercise of their functions;
 - (b) act at all times in the overall public interest and shall not use their appointment to advance their personal interests, or the personal interests of any other party or entity.

Chapter V

Tenure of Council Members

17. (a) The term of the Council is five year.
- (b) The term of the Council members is the same as the term of the Council.
- (c) Members shall serve for five years and may be re-appointed to serve a maximum of two terms. However, the ongoing Council, on expiry of its term, shall continue its functions till the President forms a new Council under this Law.

18. The President may remove chairman and member from the Council only after due process:

- (a) where the individual becomes ineligible, by virtue of section 7 and 8, for appointment to the Council;
- (b) if he or she becomes misuse his/her appointment to advance his/her personal interest or the personal interest of any other party or entity;
- (c) if he or she becomes mentally incapable of efficiently performing his or her duties as a Council member;
- (d) if he or she is absent for three consecutive months with cause.

19. Any council member may resign from office on his or her own volition before expiry of the term of office, after submitting his/her written resignation to the President.

20. When a Council member has been removed pursuant to section 18, he or she shall have the right to appeal such removal.

21. When a member of the Council has been removed from office or has resigned, or has passed away, a replacement shall be made following the procedures set in this law. The term of the new council member shall be equivalent to the unexpired term of the removed or resigned or dead member. Replacement shall be made only if there are at least six months remaining of the unexpired term.

Chapter VI

Rules of Procedure, Technical Secretariat and Budget

22. (a) The Council shall meet at least once a month, or more frequently as necessary to discharge its duties. Meetings shall be convened by the chairperson.
- (b) Meetings shall be convened upon the request of chairperson or in his or her absence the vice-chairperson or at least three members.
- (c) The chairperson shall preside at all meetings of the Board and in his or her absence the vice-chairperson. In the absence of both, council members present shall appoint one of its members to preside.
- (d) Five members, including the presiding officer, shall form a quorum.

23. The Council shall take decisions on the basis of a majority vote of those members present, provided that in case of an equal vote, the Chairperson shall have a deciding vote.

24. The Council shall be assisted by a Technical Secretariat organized in accord with the regulation adopted by the Council.

25. The Council shall set out the rules and regulations for compensation and benefits of the technical secretariat.

26. The technical secretariat members, in the performance of their duties and responsibilities, shall receive instructions only from the council, head of the secretariat.

27. The funds for the operations of the Council shall be sourced from the following:

- (a) Union budget;
- (b) Donation;
- (c) Other service fees.

28. The Annual Budget of the Council shall be included in the annual budget of the MOI.

29. The annual budget submitted by the Council to be submitted by MOI to the Union Cabinet. The annual budget shall be included in the Budget approved by the Hluttaw and it has to be used in accord with the relevant budgetary laws, regulations and procedures.

30. (a) The Council shall publish and distribute widely an Annual Report, along with the accounts audited by the Auditor General Office. Each Annual Report shall include the following information:

- (i) objectives of Council set for the previous year, the extent to which they have been met and its objectives for the upcoming year;
- (ii) strong and weak points in implementing the objectives of aboved mentioned subsection (i);
- (iii) information relating to finance and administration inclusive of summary of the audited accounts prepared by Union Auditor General;
- (iv) the budget for the following year;

- (v) information on public recommendations or complaints received the previous years and how these were addressed in the case of the latter;
- (b) The Council shall formally submit its Annual Report to the Office of the President.

Chapter VII

Broadcast Licenses

- 31. (a) Those who want to run the broadcast institution:
 - (1) shall apply for license prior to starting the broadcast business to council.
 - (2) or a representative of its organization shall apply license.
- (b) The applicant must submit the following documentation:
 - (i) the name and registration certificate of the company as a legal entity;
 - (ii) business plan in detail;
 - (iii) technical requirements;
 - (iv) overall programme plan including programme schedule;
 - (v) other requirements that may be set by the Council to be contained in its subsequent issuances.
- 32. After receiving the broadcast license, a license holder is given no more than one year from the date of issuance of license to start broadcasting.
- 33. Transfer of a broadcast license to another person or institution is allowed provided such transfer has prior approval by the Council.
- 34. (a) Based on broadcasting policy, interest of potential broadcasters and market capacity and the public interest, the process for applying for a licence shall be in accordance with the following policies:
 - (i) The Council shall, in the higher population density areas or in relation with commercial broadcasting services, issue a competitive tender;

- (ii) The Council may also, in lower population density areas or in relation to community broadcasting, receive ad hoc licence applications and allow them to provide a broadcasting service;
 - (iii) The Council shall publish regulations and process of applying for a licence.
35. (a) The Council shall adopt the following criteria in reviewing the merit of a broadcast license application:
- (i) financial feasibility and economic viability as evidence;
 - (ii) technical feasibility;
 - (iii) experience of the applicant in broadcasting and related fields;
 - (iv) indications of potential contributions to the growth and development of the broadcasting industry in Myanmar;
 - (v) indications of potential contributions to higher programme quality and content diversity;
 - (vi) the extent to which granting the license would increase concentration of ownership over the media;
 - (vii) strengthen or reinforce efforts towards media pluralism and diversity in media ownership;
 - (viii) other criteria the Council may adopt upon issuance of proper order.
- (b) The proposals in the licence application, including technical proposals and programming proposals, shall not be changed.
36. The council, after receiving the licence application as indicated in the section 31, can accept or reject to issue the licence after due process of scuritnizing in accord with the rules of section 35.
37. The Council shall deposit the license fees collected from the broadcasting institutions into the account of the Ministry for eventually turn over to the Union Budget.
38. The validity of the broadcasting licenses shall be as follows:
- (a) **Public Service Broadcasting**
 - (i) radio broadcasting license is valid for 7 years;
 - (ii) television broadcasting license is valid for 10 years;
 - (b) **Commercial Broadcasting Services**

- (i) radio broadcasting license is valid for 7 years;
 - (ii) television broadcasting license is valid for 10 years;
 - (c) **Community Broadcasting Services**
 - (i) radio broadcasting license is valid for 7 years;
 - (ii) television broadcasting license is valid for 10 years;
 - (d) **Government Broadcasting Services**
 - (i) radio broadcasting license is valid for 7 years;
 - (ii) television broadcasting license is valid for 10 years;
 - (e) **Broadcast Distribution Services** license is valid for 15 years.
39. Licence holders shall apply, in line with the designated procedures, the renewal of the licence to the council within 45 days after the expiry date.
40. After receiving the application of a renewal of licence, the Council may reject it if it finds that:
- (a) the broadcast institution has during the preceding license term, committed serious violations of the broadcasting law the Council's policies and regulations or its licence conditions;
 - (b) there have been other violations, during the preceding license term, which, taken together, would constitute a pattern of abuse; or
 - (c) it is necessary to reallocate the license to give effect to the public interest.
41. The Council shall :
- (a) allow the renewal of license if it finds no violation of license term by a license holder;
 - (b) The Council may also consider the following areas prior to deciding on the renewal of the license in accord with the sub section (a):
 - (i) contributions to higher programme quality and content pluralism and diversity;
 - (ii) practices corporate citizenship;
 - (iii) impact on media ownership, pluralism and diversity.
42. The Council can revoke the licenses under following conditions:
- (a) normal transmission cannot be started after passing the test transmission period of one year;

- (b) suspension of the broadcasting service or going off-air for more than three months without notifying and seeking prior approval of the Council;
 - (c) transferring the license to another institution or a person without prior approval of the Council;
 - (d) serious violations of the broadcasting law and Council rules and regulations including those related to allocated spectrums and the areas to be covered, basic mechanical requirement for the broadcasting technology and broadcasting equipment, programme standards and other matters specified in Chapter IX.
43. If the license is not renewed after expiration, the council can terminate the license of respective broadcasting services.
44. If a broadcast institution fails to transmit broadcast signals for any consecutive 12-month period, the station license expires automatically.
45. The Council shall:
- (a) define the specific license fees on Public Service Broadcaster, Community Broadcasting Services and Government Broadcasting Services.
 - (b) with the consent of the Authority, define specific rates of the license fees on Commercial Broadcasting Services and Broadcast Distribution Services.

Chapter VIII

Broadcasting Services

Public Service Broadcasting

46. A public broadcasting service is made for the public and financed and controlled by the public. It is free from political interference and pressure from commercial forces. Through a public broadcasting service, citizens are informed, enlightened and entertained.

Commercial Broadcasting Services

47. In Commercial broadcasting services, for the positions of professional needs and management posts, Foreign citizens are allowed to assume only with the approval of the Council.

48. Commercial broadcasting services can be owned and capitalized by citizens of and/or legal entities registered in Myanmar and foreign individuals or organizations provided that the foreign capital shall not exceed 30 percent of the total capitalization.

49. When applying for a license, applicants have to disclose their ownership structure to the Council and to the public through mass media. Any materials change in ownership, i.e. of five percent or more, after the granting of the license has to be submitted to the Council for its approval.

50. No one individual or corporation shall be allowed to own and operate two or more companies offering the same broadcasting service in a single broadcasting zone. However, this provision does not prohibit any broadcasting company from offering broadcast distribution services in the same broadcasting zone.

51. Concerning with cross-ownership in a private newspaper and broadcast media in a single broadcasting zone or market by a private broadcasting institution and private newspaper media institution, if a company owned an institution 100%, it is not allowed to have shares not more than 30% of the other institution, vice versa.

52. The Council is mandated to come up with detailed rules and procedures to effect provisions on media concentration and cross ownership limitations as referred to in sections 50 to 51.

53. Commercial broadcasting institutions are funded by:

- (a) Commercials broadcast;
- (b) Sponsorship;
- (c) Other related broadcasting activities.

54. Every commercial broadcasting institution shall be required to submit an annual report and financial report to the Council. The annual report shall be categorized as confidential. The annual report shall contain information on the following:

- (a) operational and financial information including market information, shareholders, dividend information, financial conditions, results of operation;

- (b) control and compensation information for board of directors and executive officials;
- (c) corporate governance;
- (d) exhibits and schedules or annexes;
- (e) other information which may be required by the Council as contained in pertinent orders.

Community Broadcasting Services

55. A community broadcasting institution shall operate based on the following criteria

- (a) the organization is neither for profit nor part of an organization which is working for profit;
- (b) the overall objective is to provide the distinct information, education and entertainment needs of a specific geographic community;
- (c) the organization can demonstrate a sufficient link to the community to satisfy the Council that warrants receiving a community broadcasting licence.

56. The Council is mandated to allot at least 20 percent of frequency/spectrum available for community broadcast service.

57. The Council shall come up with distinct simple licensing policies and procedures applicable only to community broadcast service to encourage the setting up of such services and to support their development.

58. Community broadcasting institutions are funded by:

- (a) voluntary contributions by community members;
- (b) donations by local and foreign partners provided that such support are provided without political and economic conditions;
- (c) revenues from local advertisements ;
- (d) proceeds from local merchandising,
- (e) other revenues which are consistent with their status as community broadcasters.

59. At the end of each fiscal year, community broadcasting institutions shall submit to the Council a financial report.

60. Community broadcasting institutions shall convene a meeting at least annually for members of the community, where the broadcaster presents activity and financial reports, and where members of the community can discuss how the policies and programmes of the station can better serve the community, along with any other issues and concerns and how these can be addressed.

Government Broadcasting Services

61. Government broadcasting institutions are funded by:

- (a) Union budget or state/Division budget;
- (b) revenue from advertisements;
- (c) proceeds from product merchandising;

62. All government broadcasting institutions shall submit an annual report and financial report to the Council. The annual report shall contain information on areas identified in section 54.

Broadcast Distribution Services

63. (a) Compliance with program standards set by the Council for contents produced by primary broadcasters and distributed by broadcast distribution services shall be the responsibility of the primary broadcasters. For services that are not licensed in Myanmar, distributors shall assume responsibility in ensuring that the content meets standards set.

- (b) Broadcast equipment including satellite receivers, TVRO, set top boxes and related apparatus used by the broadcasters and the broadcast distribution services shall be abide by the technical standards set up by the authority.

64. In operating their program, Broadcast Distribution institutions shall:

- (a) Provide at least 20 percent of all distributed channels are domestic production program channel;
- (b) Provide at least 20 percent of subscribed channel are free to air channels.

65. Broadcast Distribution institutions can earn income from the following means:

- (a) Subscription fee;
- (b) rental from channel capacity;

- (c) revenues from advertising;
- (d) proceeds from product merchandising;
- (e) Incomes from other official businesses related to broadcasting.

66. All broadcast and distribution institutions shall submit an annual report to the Council. The annual report shall contain information on areas identified in section 54.

Chapter IX

Programme Standard

67. To promote the development of the broadcasting industry in Myanmar, broadcasting institutions shall prioritize the production and airing of locally-produced programs.

- (a) Radio broadcast institutions which reaches the entire country shall allot at least 70 percent of its programs to local programs.
- (b) Commercial TV institutions with national coverage shall allot at least 30 percent of its programs to locally-produced programs.
- (c) Commercial TV institutions with national coverage shall also carry at least 20 percent of programs from the local independent producers, of which 10 percent shall be broadcast at prime time.

68. The Council is authorized to review and adjust these content allocations as set out in section 67 either for a broadcasting sector as a whole or for a particular broadcaster as part of its licence conditions, and may adopt necessary policies and rules after due consultation with broadcast stakeholders.

69. (a) Broadcast programs for special audiences such as children and youth, women, senior citizens, and differently-abled individuals shall promote and protect their rights. Programs for children and youth shall be aired at designated time. Such special programs should state the type of the audience when broadcast.
- (b) Sign language can be used for some programs for hearing-impaired persons.

70. Broadcast institutions shall preserve the pictures, sounds, photographs, and recordings for at least 28 days after broadcasting.

71. A copy of broadcast contents which are of high historical value shall be shared with national archive, national library and the national museum. The copyright for such broadcast material or content shall remain with the licensed copyright owner.

72. (a) Commercial broadcasting institutions can broadcast commercial advertisements for a maximum 12 minutes for every one hour of daily broadcasting.

(b) Commercial broadcasting institutions shall allot at least 5 percent of their airtime to public service advertisements for free as part of their corporate social responsibility. The Council may recommend public service advertisement which commercial broadcasting may air.

73. No broadcasting institutions shall sell airtime except for advertisement.

74. The production of the broadcast advertisements using local resources shall be encouraged.

Code of Conduct

75. (a) The broadcast code shall be developed based on the following:

- (i) moral and ethical values;
- (ii) accepted standards for the media.

(b) The process of crafting the Code shall be transparent and participative.

76. Upon adoption of the Code, the Council shall initiate an information and education campaign to make broadcasting institutions and the public aware of its existence and provisions.

77. The Code of Conduct shall define content and production standards in the following areas:

- (a) balance and impartiality in news and current affairs programming and the duty to strive for accuracy in these programmes;
- (b) protection of children;
- (c) classification of programmes, including films, according to the recommended age of viewers;
- (d) the terms, conduct and editing of interviews;
- (e) the use of covert recording and subterfuge;
- (f) keeping within accepted boundaries of taste, decency and ethical values, including in relation to the portrayal of sexual conduct, violence and

antisocial behavior, the use of strong or abusive language, and the broadcasting of text message sent in by viewers or listeners;

- (g) the coverage of crime and anti-social behavior;
 - (h) distinguishing between factual material and comment;
 - (i) the treatment of religion, ethnic minorities, women and men, minors and disadvantaged groups;
 - (j) human right issues;
 - (k) respect for privacy;
 - (l) the use of subliminal images or sounds; and
 - (m) appropriate advertising, including truth.
78. (a) The Council will be solely responsible in monitoring full compliance to the Code by all broadcast institutions as set out in section 77.
- (b) The Council is duty-bound to accept and take action on all complaints about violation of any provision of the Code from any individual or organization. Such complaint shall be dealt with by the Council in a fair and balanced manner.
79. To give effect to section 78(b), the Council shall establish internal procedures for investigating and processing complaints. Such procedures shall include ensuring that the broadcast institution is given an opportunity to be heard and defend itself from the complaints or accusations.
80. After due investigation and evaluation, the Council shall decide on the merit of the complaint and prepare a report based on the findings and send it to both the complainant and the broadcast institution concerned.
81. If the complaint is found to be of merit or valid as described in section 78(b), the Council shall apply one or more of the following sanctions:
- (a) a warning;
 - (b) rectification of any false statements of fact;
 - (c) a right of reply;
 - (d) requiring the broadcaster to make the proper announcement on the decision through print and broadcast;
82. All broadcast institutions shall adhere to the decisions made by the Council on matters related to the Code.

83. Lodging complaint with the Council shall not preclude an individual from pursuing any other remedy such as the filing of case in court.

Broadcast Rectification

84. (a) Broadcast institution is responsible to rectify any factual mistakes determined to be harmful upon the broadcast institution just being made aware of such mistakes.
- (b) Rectification must be done within 24 hours notice of the incorrect broadcast or, if that is not possible, at the earliest possible time.
- (c) Rectification does not free the broadcast institution from any legal action the aggrieved party may file before appropriate court in redress of grievances.

The Right to Reply

85. (a) The broadcasting services shall be obliged to broadcast a reply by a person or organisation whose legal rights are breached by a false assertion of fact published by the institution in question;
- (b) an obligation to broadcast a reply exists only in regard to facts and not opinions and only if the reply does not exceed the volume of the text to which objection has been raised;
- (c) Reply must be done within 24 hours or if this is not possible, at the earliest time.
86. If the broadcast institution refuses to broadcast the reply, the aggrieved person or organisation may appeal to the Council.

Chapter X

Administrative Sanctions

87. The Council shall impose administrative sanctions on any broadcast institution found violating license agreement, and other pertinent provisions of this law or rules or regulations adopted by the Council.

88. The type of administrative sanction or sanctions shall depend on the gravity and frequency of the offense or violation. Sanctions available at the disposal of the council include the following:

- (a) Warning;
- (b) Temporary suspension for the broadcast program found violating the law;
- (c) Limiting the air time in broadcasting;
- (d) Imposing cash penalty;
- (e) Suspension of certain amount of time to the broadcasting institution;
- (f) None extension of the broadcast license;
- (g) Revocation of the broadcast license.

89. (a) The Council, shall revoke or suspend the licenses if it is found out that the license holders violate the provisions of this law or deliberate use of wrong information in license application.

- (b) The Council, shall revoke the licenses only under following conditions:
 - (i) normal transmission cannot be started after passing the test transmission period as provided for in section 32;
 - (ii) suspension of the broadcasting service or going off-air for more than three months without notifying and seeking prior approval of the council;
 - (iii) transferring the license to another institution or a person without prior approval of the Council;
 - (iv) serious violations of the broadcasting law, Council's rules and regulations, programme standards or the code of conduct, including those related to allocated spectrum and the areas to be covered, and basic mechanical requirement for the broadcasting technology and broadcasting equipment.

90. Proceeds of cash penalties shall be returned by the Council to the Union Budget through distinct bank account of the Ministry.

Chapter (XI)

Appealing

91. The broadcast institutions or individuals who is not satisfied with the decisions of the Council set as of sections 36, 40, 42, 88 and 89 can appeal to the President within 30 days.

Chapter XII

Prohibitions

92. No one is allowed to operate a broadcasting service without license issued by the Authority.

93. No one is allowed to continue its broadcasting service after termination of its license until such license is renewed by the Authority.

94. Violation of sections 50 and 51 and deliberate use of wrong information in license application are prohibited.

95. No one is allowed to continue its broadcasting service upon revocation and suspension of its license.

Chapter XIII

Sanctions

96. Any one who violates the prohibition as provided in section 92 shall be charged from minimum thirty million kyats to maximum fifty million kyats and confiscated properties.

97. Any one who violates the prohibition as provided in section 93 shall be charged from minimum five million kyats to maximum ten million kyats.

98. Any one who violates the prohibition as provided in section 94 shall be charged from minimum ten million kyats to maximum thirty million kyats and confiscated properties.

99. Any one who violates the prohibition as provided in sections 95 shall be charged from minimum thirty million kyats to maximum fifty million kyats and confiscated properties.

Chapter XIV
Transitory Provisions

100. The existing Broadcasting institutions before the enactment of this law shall apply for license within one year from the effectivity of this law.

101. All existing agreements which are substantially at odds with the provisions of this law shall review, within the period set as of the section 100, for the purpose of making necessary amendments to make them consistent with the provisions of this law and in the overall public interest.

102. The existing rules, regulations, by-laws, notifications, orders and directives shall remain in operation in so far as they are not contrary to this law.

103. The Authority and the Council shall be established within six months after the promulgation of this law.

Chapter XV
Miscellaneous

104. The Council members, within the period of assigning their duties in accord with this law, shall be assumed as the public servant defined as of section 21 of the penal code.

105. The Council can sue and can be sued.

106. (a) The Ministry shall issue by-laws, rules and regulations with the consent of cabinet to enforce this law.

(b) The Authority and Council shall issue notifications, orders, directives and procedures.
