

## Printing and Publishing Enterprise Law Bill

(2013, Union Parliament Law number )

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### Preamble

The Union Parliament hereby enacts this Act in order to implement printing and publishing enterprises in accordance with law in the Republic of the Union of Myanmar.

### Chapter (1)

#### Title and Definition

1. This Act may be cited as the Printing and Publishing Enterprise Law.
2. The following terms contained in this Act shall have the meanings given hereunder:
  - (a) 'Printing press' refers to an engine device operated for printing, a printing machinery using either electronic technology or laser technology, printing accessories or sets of printing machineries using any other form of technology.
  - (b) 'Printing house' means a building or a place where the works of printing a large amount of documents and illustrations are conducted using a printer or a machine related to printing, or a set of machineries, mechanical equipment, accessories and parts thereof.
  - (c) 'Publication' means in addition to manuscripts, printed texts, texts created and produced via any forms of electronic technology.
  - (d) 'Printer' constitutes a party who owns a printing press or a printing house. This term includes a shareholder who is responsible for the administration of the shares, company or family business, or a chairperson, a managing director, a secretary or a person in charge.
  - (e) 'Publisher' means a person who publishes a publication for the purpose of either monetary gain or non-profit. This term includes a shareholder who is responsible for the administration of the shares, company or family business, or a chairperson, a managing director, a secretary or a person in charge.
  - (f) 'News agency' means an enterprise which retrieves local and foreign news and distributes them in the forms of print media or electronic media, or passes the information to other media agencies with or without for a fee.
  - (g) 'Newspaper' refers to a publication which contains news, knowledge, event reports or annotations about such event reports, commentaries and criticisms or subject

matter that attract the public attention and which is published daily for sale or for free distribution.

- (h) 'Bulletin, journal, magazine' means a publication published periodically, serially, or issue by issue but not in a timely manner.
- (i) 'Book' means a book published in any language, a part of a book, leaflets, papers, or separate extra sheets such as maps, symbols and diagrams.
- (j) 'Website' constitutes a web page hosted in an internet in order to obtain information related to a particular subject matter.
- (k) 'Nude publication' means an expression of sexually seductive, exploitative and unethical texts, illustrations, photos and drawings, abusive languages, violent texts, disrespectful usages and illustrations, in which shameless and socially unacceptable sexual behaviors by Myanmar society are, whether implicitly or explicitly, depicted.
- (l) 'Certificate of recognition' means certificate granted in accordance with this law by the Ministry in order for the printers, publishers and news agencies to be able to undertake the respective media enterprise.
- (m) 'The registration officer' refers to the Director of the Copyright and Registration Department, the Ministry of Information and Public Relations.
- (n) 'Minister' means the Union Minister of the Ministry of Information, the Union Government.
- (o) 'Ministry' means Ministry of Information, the Union Government.

## **Chapter (2)**

### **Registration of the Printing and Publishing Enterprise**

3. Printers and publishers who would like to engage with the printing and publishing industry or a company or an organization based in Myanmar or in a foreign country, which would like to establish a news agency in Myanmar must apply for the registration of the respective media enterprise to the registration officer.
4. Regarding the stipulation in Article 3, the registration officer shall issue the certificate of registration for a specified period after the entitled registrants pay the specified fees.
5. If a party who receives the certificate of registration is found, in any manner, to have been applied for the registration ticket with dishonest intention or deceitful intention, or to have been accomplishing the work contrary to the provisions of this law, then, the Minister may revoke or terminate his or her certificate for a specified period.
6. The printer or the publisher whose certificate has been revoked or terminated for a specified period in accordance with above Article 5 may appeal to the Minister.

### **Chapter (3)**

#### **Regulations for Printing and Publishing Enterprise**

7. A printer or a publisher must not publish the publications which fall under any of the following conditions –
  - (a) expressing subject matters which may cause harm to an ethnic group or among the ethnic groups, or those which may insult other religions;
  - (b) provoking for the purpose of deteriorating the rule of law or encouraging mass violence;
  - (c) expressing nudity;
  - (d) encouraging and stimulating crimes, cruel behavior, violence, gambling and the act of committing crimes using opium and abusive drugs;
  - (e) publishing expressions and texts which are against and violate the provisions of the Constitution and other legislations.

### **Chapter (4)**

#### **Denouncing Publication**

8. The registration officer can declare the publication illegal if it is investigated and found subsisting under any condition of Article 7.

### **Chapter (5)**

#### **Importing and Exporting Publications**

9. In case of importing the publication published in a foreign country to Myanmar or exporting the publication published in Myanmar to a foreign country, this must be done in compliance with the existing laws.
10. The registration officer shall charge the party with an offence under Article 8 if the publications imported or exported are found violation of the law.
11. Regarding the publication:
  - (a) the importer must inform about the imported publication stating the title, genre and the number of quantity imported to the registration officer;
  - (b) if published in Myanmar, the publisher must inform the number of quantity published to the registration officer after paying the fees for the purpose of registration and copyright works.

12. Although a particular publication is not being declared illegal, nobody must import a publication which automatically falls under any provision of Article 7 to Myanmar.
13. The certificate holder of publishing enterprise has a right to distribute his/her original publication on websites by means of internet news coverage and World Wide Web.
14. The certificate holder of a news agency has a right to distribute the information and illustrations at his/her will on websites using the methods of internet news coverage and World Wide Web.
15. Websites hosted using the internet news coverage method mentioned in Article 13 and 14 must comply with the stipulations of Article 7.

## **Chapter 6**

### **Prohibitions**

16. No one shall engage with printing, publishing or news agency undertakings without obtaining the certificate of registration.
17. No one shall import, export, print, distribute or sell the publications denounced under the authority granted by Article 8.
18. No one shall fail to comply with the stipulations of Article 11.
19. No one shall print, publish or distribute any publication or initiate news agency undertakings once the certificate of registration is revoked or suspended for a specified period.

## **Chapter 7**

### **Offences and Penalties**

20. Any person who is convicted, beyond reasonable doubt, with the offence of violating any prohibition under Article 16 and 19 shall be punishable with a fine from 5,000,000 Kyats (five million Kyats) up to 10,000,000 Kyats (ten million Kyats). In the absence of paying fine, the party shall serve for a term of imprisonment up to six months.
21. Any person who is found guilty, beyond reasonable doubt, with the offence of violating any prohibition under Article 17 shall be punishable with a fine from 1,000,000 Kyats (1 million Kyats) up to 5,000,000 Kyats (five million Kyats). In the absence of paying fine, the party shall serve for a term of imprisonment up to three months.

22. Any person who is found guilty, beyond reasonable doubt, with the offence of violating any prohibition under Article 18 shall be punishable with a fine from 100,000 Kyats (one hundred thousand Kyats) up to 300,000 Kyats (three hundred thousand Kyats). In the absence of paying fine, the party shall serve for a term of imprisonment up to 7 days.

## Chapter 8

### Miscellaneous

23. For the purpose of implementing the responsibilities effectively in accordance with this Law, the Minister may assign registered officer, government officers, government employees and can assign their jobs and responsibilities.
- 24.
- (a) The Ministry may, whether by subjecting to the rules or not, exempt a printing or publishing enterprise, undertaken by any government department or government organization, from compliance with the provisions of this Law.
  - (b) The provisions in this Law shall not be applicable to the publications stated hereunder:
    - (1) specific letters distributed by the organizations and departments at states and regions of union level, at autonomous divisions or autonomous regions of national level, or at a subordinate level thereof, which are stemmed from three pillars of government, i.e., the legislature, the executive and the judiciary;
    - (2) specific letters distributed by the authorized commission and sub commissions in association with general election;
    - (3) specific letters made by registered political parties for carrying out their own office works;
    - (4) specific letters made, in carrying out their own office works, by foreign embassies in Myanmar, the United Nations' organizations, international non-governmental organizations and international organizations which are implementing a project in conjunction with an agreement made with the Myanmar government;
    - (5) specified letters made, in implementing their own works, by universities, colleges, schools, banks, municipal organizations, civil society organizations which are established by law, voluntary organizations and non-governmental organizations;
    - (6) announcements and invitation letters issued for the joyous social occasions and bereavement ceremonies.

25. Any affidavit certificate of registration, acknowledgement, official position, power granted, declaration, order, direction and authorized document form issued, in accordance with the Printers and Publishers Registration Law of 1962 and before the enactment of this Act, is reaffirmed unless otherwise contrary to the provisions of this Law.
26. The validity period of the affidavit certificate of registration issued in accordance with the Printers and Publishers Registration Law of 1962 is reaffirmed for the period already granted. When such granted period expires and if the party wants to continue the enterprise, the party must apply for the extension of the validity in accordance with the stated regulations.
27. In carrying out the provisions of this Law, the Ministry can:
- (a) declare the necessary rules and regulations upon agreement with the Union Government;
  - (b) make necessary declarations, order, directions, or procedures.
28. This Act repeals the following Laws:
- (a) The Press (Emergency Powers) Act**
  - (b) The Printers and Publishers Registration Law of 1962**

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This Bill is published for the public consultation.