

# **The State Law and Order Restoration Council**

## **The Television and Video Law**

**(The State Law and Order Restoration Council Law No. 8/96)  
The 14th Waxing Day of 2nd Waso, 1358 M.E.  
(29th July, 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 Television and Video Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:-
  - (a) Television Set means an apparatus which can receive the television transmission;
  - (b) Video means the representation of a still picture or moving picture or picture and sound by any television technology;
  - (c) Video Cassette Recorder means any apparatus which can reproduce the video;
  - (d) Video Tape means any cassette tape, laser disc or any similar facility in which picture and sound are recorded. This expression also includes video recordings and video copying.
  - (e) Licence for Possession means the licence for possession, issued under this Law for the purpose of utilization of the television set or the video cassette recorder;
  - (f) Licence for Video Business means the licence issued under this Law for any type of the video business.

### **Chapter II Objectives**

3. The objectives of this law are as follows:-
  - (a) to modernize and uplift the standard of video business;
  - (b) to cause the emergence of video tapes which will be beneficial for the all-round development of the State and the preservation of Myanmar cultural heritage;
  - (c) to cause emergence of video tapes which will contribute towards national solidarity and, dynamism of patriotic spirit;

(d) to prohibit and ban decadent video tapes which will undermine Myanmar culture and Myanmar tradition;

(e) to control and prevent malpractices which are caused through video business.

### **Chapter III**

#### **Licence for Possession**

4. Any person who holds and uses a television set or a video cassette recorder shall apply for licence for possession, in accordance with the stipulations to the relevant post office within 30 days from the date of receipt of the same.

5. (a) The applicant shall pay the fee payable out of the following fees in accordance with the stipulations to the relevant post office:-

(i) fee of the licence for possession;

(ii) overdue fee;

(iii) extension fee;

(b) On receipt the prescribed fee the relevant post office shall issue the licence for possession to the applicant.

6. Upon the expiry of the tenure of the licence for possession, a person desirous of extending such tenure shall have the extension effected by paying to prescribed fee to the relevant post office.

7. The Ministry of Communications, Posts and Telegraphs shall determine the tenure and fee of the licence for possession, overdue fee and extension fee.

8. Any person who is desirous of possessing any satellite television receiver shall comply with the order and directives relating to import, possession, use, transfer, sale, issuance of licence, determination of licence fee and licence conditions, issued from time to time by the Ministry of Communications, Posts and Telegraphs.

### **Chapter IV**

#### **Video Business Licence**

9. A person desirous of operating any one of the following video business for a commercial purpose shall apply for the business licence for each type of the business to the relevant State or Divisional Video Business Supervisory Committee in the prescribed manner:-

(a) production of video;

(b) video taping;

(c) editing of video;

(d) copying of video tape;

(e) distribution of video tape;

- (f) hiring of video tape;
- (g) exhibiting by video.

**10.** The relevant State or Divisional Video Business Supervisory Committee shall, after scrutinizing as to whether or not the application is in conformity with the stipulations:-  
(a) if it conforms, grant the respective video business licence to the applicant upon receiving the prescribed fee;

(b) if it does not conform, refuse to grant the video business licence.

**11.** A person desirous of extending the tenure of the video business licence shall on expiry thereof apply to the relevant State or Divisional Video Business Supervisory Committee in the prescribed manner.

**12.** The relevant State or Divisional Video Business Supervisory Committee shall scrutinize the application, cause payment of the prescribed fee to be made and may extend the tenure of the video business licence.

**13.** The Ministry of Information shall determine the tenure and fee of video business licence, overdue fee and extension fee.

**14.** The Myanmar Motion Picture Enterprise shall determine the conditions to be complied with by the video business licence holder.

**15.** The video business licence shall become invalidated on expiry of the tenure or on revocation or when surrendered by the video business licence holder.

## **Chapter V**

### **Formation of the Video Business Supervisory Central Committee; Functions and Duties Thereof**

**16.** The Ministry of Information:-

(a) shall form the Video Business Supervisory Central Committee comprising the following persons:

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| (i) Managing Director,<br>Myanmar Motion Picture<br>Enterprise                     | Chairman  |
| (ii) Representatives from the relevant Government<br>departments and organizations | Members   |
| (iii) Suitable Citizens  | Members   |
| (iv) Director,<br>Myanmar Motion<br>Picture Enterprise                             | Secretary |

(b) may determine the-tenure of the Video Business Supervisory Central Committee;

(c) may re-constitute the Video Business Supervisory Committee as necessary.

**17.** Members of the Video Business Supervisory Central Committee who are non-governmental members are entitled to receive remuneration determined by the Ministry of Information.

**18.** The functions and duties of ~the Video Business Supervisory Central Committee are as follows:

(a) supervising video business for the success of the objectives of this Law;

(b) supervising and giving guidance to the activities of the Sate or Divisional Video Business Supervisory Committees;

(c) taking action as may be necessary; finding that any order or decision made by the State or Divisional Video Business Supervisory Committee is not in conformity with the Law;

(d) assigning from time to time functions and duties to State or Divisional Video Business Supervisory Committee.

## **Chapter VI**

### **Formation of State or Divisional Video Business Supervisory Committees; Duties and Powers Thereof**

**19.** The Ministry of Information:-

(a) shall form the State or Divisional Video Business Supervisory Committee comprising persons from relevant government departments and government organizations. In so forming, the Chairman and secretary shall be determined;

(b) may determine the tenure of the State or Divisional Video Business Supervisory Committee;

(c) may re-constitute the State or Divisional Video Business Supervisory Committee, as may be necessary;

(d) if it is necessary to form more than one Video Business Supervisory Committee within a State or Division, it may do so.

**20.** The duties and powers of the State or Divisional Video Business Supervisory Committee are as follows:-

(a) granting or refusing the Video business licence after scrutinizing as to whether or not the application is in conformity with the stipulations;

(b) inspecting and supervising the Video business;

(c) imposing on the video business licence holder who violates any of the terms and conditions prescribed by the Myanmar Motion Picture Enterprise a fine which may extend

from a minimum of kyats 5,000 to a maximum of kyats 50,000 and also revoking the video business licence;

(d) carrying out the duties assigned by the Ministry of Information or Video Business Supervisory Central Committee.

**21.** The State or Divisional Video Business Supervisory Committee may, if necessary, form the District or Township Video Business Supervisory Committee in accordance with the stipulations. In so forming, it shall determine the duties and functions thereof.

## **Chapter VII**

### **Formation of Video Censor Board and Duties and Powers Thereof**

**22.** The Ministry of Information:-

(a) shall form the Video Censor Board comprising the following persons:-

(1) Managing Director of the Myanmar Motion Picture Enterprise	Chairman
(2) representatives from the relevant government departments and government organizations	Members
(3) suitable citizens	Members
(4) Director of Myanmar Motion Picture Enterprise	Secretary

(b) may determine the tenure of the Video Censor Board.

(c) may reconstitute the Video Censor Board as may be necessary.

**23.** Members of the Video Censor Board who are non-governmental members are entitled to receive the remuneration determined by the Ministry of Information.

**24.** When application is made for video censor certificate in respect of Myanmar Video tapes produced and submitted or video tapes which have been imported or brought from a foreign country, the Video Censor Board, after examining as to whether it is in conformity with the policies laid down:-

(a) may permit exhibition to the public or for a family show;

(b) may prohibit public exhibition of the video tape and may seize or destroy such video tape;

(c) may permit public exhibition or family show of the video tape after making excision, amending or erasing the portion which is not suitable for public exhibition or family show;

(d) shall issue the video censor certificate after causing payment of the prescribed fee to be made if the video tape is permitted for public exhibition and family show.

**25.** (a) The Video Censor Certificate issued by the Video Censor Board shall be valid throughout Myanmar for the prescribed period.

(b) The Video Censor Certificate issued by the Video Censor Board shall be included in showing the video tape. Moreover, the small-sized Video Censor Certificate with the permitted serial number shall be attached on the video tape.

**26. The Video Censor Board:-**

(a) shall collect the prescribed fee for- inspecting the video tape from the person concerned;

(b) may, if necessary, inspect again the video tape that has been issued Video Censor Certificate;

(c) may revoke any Video Censor Certificate, if there is valid reason to do so.

**27.** When a person dissatisfied with the decision of the Video Censor Board appeals to the Ministry of Information on the Board's decision passed under sub-section (b) or (c) of section 24, the Video Censor Board shall cause compliance with the order passed on appeal. If there is no appeal, it shall cause compliance in accordance with its decision, on the expiry of the appellate period.

## **Chapter VIII Appeal**

**28.** A person dissatisfied with the order or decision of the Video Censor Board or Video Business Supervisory Central Committee or State or Divisional Video Business Supervisory Committee may appeal to the Ministry of Information within 60 days from the date of the passing of such order or decision.

**29.** The Ministry of Information may confirm, set aside, revise the order or decision passed by the Video Censor Board or Video Business Supervisory Central Committee or State or Divisional Video Business Supervisory Committee or direct re-scrutinizing or re-examination to be made.

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

## **Chapter IX Offences and Penalties**

**31.** Whoever with the exception of a Government department and government organization operates the television transmission business without the permission of the Government shall, on conviction, be punished with imprisonment for a term which may extend to 5 years or with fine. In addition, the property which relate directly to the offence shall also be confiscated.

**32.** Whoever commits one of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 100,000 or with both. In addition, the property which relate directly to the offence shall also be confiscated:-

(a) operating video business for commercial purpose without a video business licence;

(b) copying, distributing, hiring or exhibiting the video tape that has no video censor certificate and small-sized video censor certificate with the permitted serial number with the exception of cases exempted under this Law;

(c) copying, distributing, hiring or exhibiting the video tape without abiding by the directive of the Video Censor Board to make excision, amend or erase;

(d) exhibiting to the public the video tape imported or brought from a foreign country without video censor certificate;

(e) exhibiting to the public the video tape imported or brought from a foreign country and which is permitted only for the family show.

**33.** Whoever commits one of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 100, 000 or with both:-

(a) distributing, hiring or exhibiting the copied television programme transmitted by the government department or government organization, for commercial purpose;

(b) copying, distributing, hiring or exhibiting for commercial purpose a video tape which has already obtained video censor certificate, without permission of the licence holder of video production business or video tape distribution business.

**34.** If any video business licence holder operates video business other than the kind for which he holds licence he shall, on conviction, be punished with imprisonment for a term which may extend to 1 year or with fine which may extend to kyats 100, 000 or with both. In addition, the property which relate directly to the offence shall also be confiscated.

**35.** If any video business licence holder transfers his video business licence to another person to operate he shall, on conviction, be punished with imprisonment for a term which may extend to 6 months or with fine which may extend to kyats 50, 000 or with both.

**36.** Whoever fails to abide by an order or directive issued by the Ministry of Information or Video Censor Board or the Video Business Supervisory Central Committee under this Law shall, on conviction, be punished with imprisonment for a term which may extend to 6 months or with fine which may extend to kyats 50, 000 or with both.

## **Chapter X**

### **Miscellaneous**

**37.** (a) Foreign diplomatic mission or the United Nations Organization desirous of public exhibition a video tape imported from a foreign country shall submit the same to the Video Censor Board for scrutiny.

(b) The Video Censor Board may, after examining the video tape:-

(1) permit public exhibition if it is appropriate to do so;

(2) permit public exhibition after causing the portion unsuitable for public exhibition to be excised or erased;

(3) permit exhibition only to a reserve audience within the premises of a foreign diplomatic mission or the United Nations Organization.

**38. The Video Censor Board:-**

(a) may decide after examining the video tape imported or brought from a foreign country and forwarded by the Customs Department for examination as to whether the video tape is suitable or not for public exhibition or family show;

(b) may give a remark as to whether or not the video tape which is to be sent or carried to a foreign country should be permitted to do so;

(c) may excise, amend or erase the unsuitable portion for public exhibition of the video tape which is to be exported for commercial purpose.

**39.** The video tape used by the government department or government organization shall be exempted from payment of fee for being examined under this Law.

**40.** The Ministry of Information may, by notification exempt government departments and government organizations from any of the provisions of this Law.

**41.** Section 34, section 35 and section 36 of this Law are determined as offences cognizable by the Myanmar Police Force.

**42.** The provisions of this Law are not applicable to the following:-

(a) videotaping related to family affair; hiring or exhibiting such videotape free of charge;

(b) videotaping of a motion picture which has already obtained a motion picture censor certificate to exhibit free of charge.

**43.** The Myanmar motion picture Enterprise shall:-

(a) carry out the office work, and

(b) hear the expenses of the Video Business Supervisory Central Committee and Video Censor Board.

**44.** (a) The procedures, orders and directives issued under the Television and Video Law (Pyithu Hluttaw Law No 12 of 1985) may continue to be applicable in so far as they are not inconsistent with the provisions of this Law;

(b) The existing Censor Board and Committee formed under the Television and Video Law (Pyithu Hluttaw Law No 12 of 1985) shall be deemed to have been formed under this Law, before the Video Censor Board and the Video Business Supervisory Committees can be formed;

(c) Licence certificate and entrepreneur's registration already issued under the Television and Video Law (Pyithu Hluttaw Law No 12 of 1985) and not yet expired, shall be deemed to be valid until the day of expiry of its tenure.



**45.** 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, Video Censor Board or Video Business Supervisory Central Committee may issue such orders and directives as may be necessary;

(c) The Ministry of Communications, Posts and Telegraphs may issue such orders and directives as may be necessary in respect of Chapter III.

**46.** The Television and Video Law (Pyithu Hluttaw Law No 12 of 1985) is hereby repealed.

**Sd./ Than Shwe**

**Senior General**

**Chairman**

**The State Law and Order Restoration Council**