

The Protection and Preservation of Ancient Monuments Law

(The Pyidaungsu Hluttaw Law No. 51, 2015)

The 11th Waxing of Wagaung, 1377 M.E.

(26 August, 2015)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the **Protection and Preservation of Ancient Monuments Law**.
2. The following expressions in this Law shall have the meanings given hereunder:
 - (a) **Ancient Monument** means building sites lived, made, used and built by human beings including geological environments where fossils of over one hundred years old are found above or under the ground or above or under the water;
 - (b) **Listed Ancient Monument** means a building included in the listed ancient monuments prescribed by the Ministry by notification;
 - (c) **Protection and preservation** includes protecting and preserving an ancient monument and its environment, fencing that monument and carrying out to access easily there in accord with the requirement, repairing without altering the original form, renovating, cleaning, and modifying by scientific method including archaeological engineering, chemical and other methods for the purpose of perpetuation of them;
 - (e) **Ministry** means the Ministry of Culture of the Union Government;
 - (f) **Department** means the Department of Archaeology and National Museum;
 - (g) **Division delegated by the Department** means the branches of the Department of Archaeology and National Museum opened in States and Regions.

Chapter II

Objectives

3. The objectives of this Law are as follows:
 - (a) to implement the policy of protection and preservation for the perpetuation of ancient monuments;

- (b) to protect and preserve ancient monuments so as not to deteriorate due to natural disaster or man-made destruction;
- (c) to uplift hereditary pride and to cause dynamism of patriotic spirit by protecting and preserving ancient monuments;
- (d) to have public awareness of the high value of ancient monuments;
- (e) to protect and preserve ancient monuments from destruction;
- (f) to search and maintain ancient monuments;
- (g) to carry out in respect of protection and preservation of ancient monuments in conformity with the International Convention and Regional Agreement ratified by the State.

Chapter III

Specification of an Ancient Monument

4. The following buildings which are consistent with the definitions in sub-section (a) of Section 2 are specified as ancient monuments:
- (a) religious buildings including zedi, stupa, temple, monastery, brick monastery, rest house, buddhist ordination hall, worship monument, brick mounds and collapsed damages;
 - (b) ancient city, palace, city wall, moat, earth bunker, gate, archway, gateway, forts, residential buildings, residential site, garden, working site, and ancient mounds dwelt by ancient people and their remains;
 - (c) natural or man-made cave where human beings had dwelt, natural cave, ancient rock cave, other residential place and geological environments including mound, brook, depression, hole, ravine, and river terrace where ancient people had dwelt and the places where primates and other fossils are found;
 - (d) place where objects of ancient people were made, pottery kiln, glazed kiln, iron furnace, glass furnace and other metal furnace and places related to them;
 - (e) ancient monument, road, bridge, excavations, well, lake, pond and, gravel stone made as monumental structure, stone pillar, heaped stone, cemetery, burial site, burial building, cave and pavilion;
 - (f) epigraphy, archive and the building where they are placed or epigraph cave, monumental structure, pillars and stone slabs;
 - (g) the buildings that should be protected and preserved by the State because of their high cultural, historical, architectural and artistic value;

(h) other buildings stipulated as listed ancient monuments by the Ministry by notification.

Chapter IV

Protection, Preservation, Return and Acceptance of Ancient Monuments

5. The Ministry shall carry out the following:

- (a) maintaining and protecting ancient monuments for perpetuation;
- (b) protecting and preserving in advance so as not to deteriorate due to the climatic condition, natural disaster, man-made destruction and any other means;
- (c) searching ancient monuments situated across the State, putting them in the list of ancient monuments, and protecting and preserving them;
- (d) carrying out educative programme for taking pride in the value of ancient monuments and for protection and preservation of them by the public.

6. The Ministry may, for the perpetuation of any ancient monument, carry out as follows:

- (a) protection and preservation of ancient monuments in coordination with the Union Ministries concerned, Region or State Government and regional administrative bodies, and if necessary, local and international government organizations and non-government organizations;
- (b) maintaining an ancient monument in order to renovate and keep not to deteriorate in coordination with the owner;
- (c) protection and preservation of an ancient monument which has no owner or custodian by specifying as State-owned property;
- (d) keeping ancient monuments which are being stipulated as heritage of high value in various regions of the State and arranging to be observed by the public.

7. The Ministry:

- (a) may maintain by accepting an ancient monument and any valuable monument of cultural heritage if anyone returns it which is owned by any person by any means or in his possession or his heritage;
- (b) may recognize as a beneficiary and award the reasonable payment for such ancient monument to the person or organization only which returns and submits with credible evidence of his ownership of an ancient monument kept under sub-section (a).

8. (a) The Ministry has the right to protect and preserve an ancient monument as a cultural heritage after transferring it from the relevant owner or holder by awarding extra payment for historical and cultural

value in addition to the reasonable current price if it is assumed that it may be damaged, decayed, destroyed or changed the structure or endangered to be moved or may be destroyed for any cause;

(b) The power of the Ministry under sub-section (a) shall not be applied to the following ancient monuments:

(i) an ancient monument which is currently used according to the custom of national races and an ancient monument which is currently used for worship;

(ii) an ancient monument for which the owner is desirous to keep by himself with reasonable ground for himself or for his ancestor or for any member of his family.

9. The Ministry may delegate the Department to carry out the functions and duties in respect of protection, preservation, return and acceptance of an ancient monument.

Chapter V

Inspection of an Ancient Monument

10. The Department:

(a) shall, if it is necessary to inspect any ancient monument whether it is a real or not, inspect and decide it by the Inspection Body for Ancient Monument formed under the rules;

(b) shall submit it and take the decision of the Expert Group formed by the Ministry if any dispute arises again in carrying out under sub-section (a).

11. The decision of the Ministry shall be final and conclusive on submission of the Expert Group under sub-section (b) of Section (10) in respect of whether it is a real ancient monument or not.

Chapter VI

Informing that an Ancient Monument is found

12. If a person who finds an ancient monument of over one hundred years old and above or under the ground or above or under the water which has no owner or custodian knows or it seems reasonable to assume that the said monument is an ancient monument, he shall promptly inform the relevant Ward or Village-Tract Administrative Office.

13. (a) If the information is received under Section 12, the Ward or Village-Tract Administrator shall keep the said monument as may be necessary and shall forward the information to the relevant Township

Administrative Office within 14 days. The Township Administrator shall promptly carry out the necessities and inform the Department within 7 days from the date on which the information is received.

(b) The Department shall inspect whether it is a real ancient monument or not and keep or cause to protect as may be necessary in accord with the stipulations when the information is received under sub-section (a).

Chapter VII

Applying for prior Permission, Scrutiny and Issue

14. Any Department, any organization or any person desirous of any of the followings shall abide by the provisions of other existing laws and apply for the prior permission under this Law to the Department in accord with the stipulations:

- (a) repairing and maintaining the whole or a part of an ancient monument without altering its original form or its original workmanship or altering the boundary of its enclosure;
- (b) plastering, modifying, white washing, painting, offering respectfully with gold leaf gilding, placing royal finial up, placing royal diamond bud and royal vane;
- (c) constructing or extending or fencing Buddhist ordination hall, monastery, public rest-house, covered passage, gateway, courtyard, planet staff, flagstaff, lake, statues, God statues, religious buildings and other buildings near an ancient monument;
- (d) reconstructing ancient monuments to their original workmanship;
- (e) surveying, digging and researching places where an ancient monument is situated;
- (f) protecting and preserving an ancient monument by forming trustee or organizations.

15. A person desirous of any of the followings within the specified area of an ancient monument shall apply to get prior permission to the Department:

- (a) extending towns, wards and villages;
- (b) constructing or extending or repairing new buildings including hotels, factories and residential buildings or fencing or extending a fence;
- (c) digging to search petroleum, natural gas, gem or mineral, piping petroleum and natural gas, constructing factories, connecting national grid, constructing communication tower, constructing or extending infrastructures such as road, bridge, airfield, irrigation and embankment;
- (d) connecting underground electric cable, communication cable and other underground works;

- (e) digging or extending wells, lakes, cannels and ponds;
 - (f) gold sieving, digging, burning bricks, digging well, lake, creek, ditch, gully, pit digging, refilling, levelling, mining, quarry, gravel digging and unearth sand, removing the mounds and hills which can damage the physical feature of the land;
 - (g) placing and fencing ancient monuments in a private compound and area;
 - (h) constructing a building which is not consistent with the terms and conditions stipulated according to the region by the Ministry near and at the surrounding of an ancient monument.
16. The Department may grant permission or refuse to grant permission after scrutinizing the application under Sections 14 and 15 in accord with the stipulations.

Chapter VIII

Prohibitions

17. No one shall fail to inform in accord with the provision in Section 12 of this Law if he finds an ancient monument which has no owner or custodian.
18. No one shall carry out any performance in Sections 14 and 15 without permission of the Department.
19. No one shall carry out any of the following acts within the specified campus of an ancient monument without the written permission of the Department:
- (a) destroying or carrying out to damage an ancient monument;
 - (b) carrying out to alter the original form or the original workmanship of an ancient monument;
 - (c) digging to search an antique object;
 - (d) looting and removing original elements and artefacts from an ancient monument.
20. No one shall carry out any of the following acts which is assumed to cause damage to an ancient monument within the specified area of an ancient monument or of a listed ancient monument without a written prior permission:
- (a) taking photo, video, film or copying and modeling an ancient monument stipulated as a listed ancient monument for commercial purposes;
 - (b) using machines which causes vibration within the specified place of an ancient monument and running various types of vehicles;
 - (c) cultivating, gardening, breeding, fencing by blocking nearby an ancient monument or doing any other act which can affect an ancient monument;

- (d) emission of gas such as hot-air balloon which can affect an ancient monument;
- (e) landing and taking off and, flying aeroplane and helicopter which can directly or indirectly affect an ancient monument;
- (f) discarding chemical substance and rubbish which can affect an ancient monument and the environment.

Chapter IX

Penalties

21. Whoever violates any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of six months to a maximum of not exceeding one year or with a fine from a minimum of three hundred thousand kyats to a maximum of fifteen hundred thousand kyats or with both:
 - (a) carrying out any act in Section 14 without obtaining the prior permission of the Department;
 - (b) carrying out any act which may damage to the ancient monument in Section 20.
22. Whoever violates the prohibition in Section 17 and fails to inform shall, on conviction, be punished with imprisonment for a term not exceeding six months or with a fine from a minimum of one hundred thousand kyats to a maximum of five hundred thousand kyats or with both.
23. Whoever violates any prohibition in Section 15 shall, on conviction, be punished with imprisonment for a term from a minimum of three years to a maximum of five years or with a fine from a minimum of one million kyats to a maximum of five million kyats or with both.
24. Whoever violates any prohibition in Section 19 shall, on conviction, be punished with imprisonment for a term from a minimum of five years to a maximum of ten years and also with a fine:
25. If whoever is convicted under any provision in this Law, the Court shall impose any of the following orders:
 - (a) instructing to destroy the building;
 - (b) instructing to re-create an extended building, well, lake, canal or pond to its original form;
 - (c) instructing to re-create a building or land which is changed to its original form.
26. Whoever fails to observe any order passed under Section 25 shall be punished with a fine from a minimum of one hundred thousand kyats to a maximum of five hundred thousand kyats for each day of failure.

Chapter (X)

Miscellaneous

27. The Ministry may coordinate with the relevant Ministries, Region or State Government for protection and preservation of the land or a part of it on which an ancient monument is situated for the benefit of the State in accord with the existing law.
28. A person who finds, informs or returns any ancient monument shall not be deemed as an owner but as the person who is entitled to enjoy the benefit.
29. The Ministry may accept money donated in goodwill so as to protect and preserve or to transfer an ancient monument and may manage it in accord with the financial regulation.
30. The offences in Sections 21 and 22 are recognized as cognizable offences.
31. If an exhibit building involved in any offence prosecuted under this Law is not easily produceable before the Court, such exhibit need not be produced before the Court however a report or other relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court shall pass an administrative order in accord with law.
32. The Ministry has the right to coordinate with the relevant Ministry to provide assistance of the Police Force for the protection and preservation of ancient monuments.
33. Rules, orders and directives issued under the Antique Objects Act, 1957 which is repealed by the Protection and Preservation of Antique Objects Law may continue to exercise so far as it is not contrary to this Law.
34. In implementing the provisions in this Law:
- (a) the Ministry may issue rules, regulations and bye-laws with the approval of Union Government;
 - (b) the Ministry may issue notifications, orders, directives and procedures and the Department may issue orders and directives.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd/

Thein Sein

President

The Republic of the Union of Myanmar