



THE PROTECTION AND PRESERVATION OF ANCIENT MONUMENTS LAW

(Union Parliament Law No. 51)

(26 August 2105)

The Union Parliament has approved this Law:-

CHAPTER (1)

Titles and definitions

1. This law shall be called “The Protection and Preservation of Ancient Monuments Law”.
2. The following expressions contained in this law are defined as follows:-
 - (a) “**Ancient monument**” means geological sites located on the ground or underground or on the water or underwater where relics and fossils with an age of 100 years and over are found, and other residential places built by ancient people.
 - (b) “**Approved ancient monument**” means monuments which are specified as ancient and preserved by the Ministry.
 - (c) “**Protection and preservation**” means maintaining an ancient monument and its surrounding environment in order for it to exist longer, enclosing and limiting the borders of a monument, renovation using original methods, cleaning a monument using archaeological and other chemical processes.
 - (d) “**Ministry**” means the Ministry of Culture.
 - (e) “**Administration department**” means the administration department of archaeology and national museums.
 - (f) “**Departments authorized by the administration department**” mean the sub-departments of archaeology and national museums in the regions and states.

CHAPTER (2)

Objectives

3. The objectives of this law are as follows:
 - (a) To implement the protection and preservation policy for the perpetuation of ancient monuments which have existed for many years;
 - (b) to protect and preserve cultural heritage regions and ancient monuments so that they are not destroyed by natural disaster or man;



- (c) to uplift hereditary pride and to cause dynamism of patriotic spirit of citizens by protecting and preserving cultural heritage regions;
- (d) to promote public awareness and will as to the high value of the protection and preservation of cultural heritage regions;
- (e) to explore and preserve new ancient monuments;
- (f) to protect cultural heritage regions from destruction;
- (g) to implement protection and preservation of ancient monuments in conformity with international conventions and regional agreements.

CHAPTER (3)

Definition of an ancient monument

4. The following buildings are defined ancient monuments according to section (2), sub-section (a):
- (a) Religious buildings including shrines, stupas, temples, monasteries and other types of religious structures;
 - (b) ancient cities, palaces, city-walls, walls, gateways, moats, forts, residential buildings, gardens and any remains;
 - (c) natural or man-made caves and other geological places where human primates resided and their fossils are found;
 - (d) The remains of working sites for ancient tools;
 - (e) Roads, bridges, ponds, sepulchers, sepulchral sites and remains of burial structures;
 - (f) Stone inscriptions, records and caves with inscriptions;
 - (g) Buildings which should be preserved and protected by the state due to their high value for culture, history, architecture and art;
 - (h) buildings which are preserved and protected by the ministry as “ancient monuments”.

CHAPTER (4)

Protection, preservation, transfer and receipt of ancient monuments

5. The ministry has to take the following actions:
- (a) Implementing activities to protect and preserve ancient monuments;
 - (b) preventing the destruction of ancient monuments caused by natural disasters, weather and man;
 - (c) exploring new ancient monuments throughout the country in order to preserve them as pieces of culture;



- (d) educating the public and creating public awareness as to the protection and preservation of ancient monuments, and in order to take pride in the value of the cultural heritage consisting in ancient sites.
6. The ministry can act as follows to preserve certain ancient monuments:
- (a) cooperating in works of preservation with related ministries and state or regional governmental organizations and, if necessary, with non-governmental organizations and foreign governmental or non-governmental organizations;
 - (b) negotiating with the owner in order to renovate and preserve an ancient monument;
 - (c) specifying an ancient monument without owner as state-owned and preserving it;
 - (d) arranging for the public display of ancient monuments which are considered valuable as cultural heritage throughout the country.
7. The ministry-
- (a) can accept and protect any ancient monument or building with high cultural value if the owner or heir is conveying the rights to the ministry;
 - (b) can, in the case of sub-section (a), award appropriate money if the conveying person or organization can prove ownership.
8. The ministry-
- (a) Can take over the rights with regard to ancient monuments and protect them if they are believed to be under threat or decaying, alter the original form of, and remove, the ancient monument by paying an adequate price and additional rewards for the cultural heritage value to the owner.
 - (b) The power of the ministry according to sub-section (a) above does not cover and impact the following types of ancient monuments-
 - (1) An ancient monument which is currently used for the cultural practices of ethnicities, for worshipping and for religious practices;
 - (2) An ancient monument of which the owner desires to retain ownership because of proper reasons related to family membership or ancestors.
9. The ministry can authorize the administration department for functions in the protection, preservation, transfer and receipt of ancient monuments.

CHAPTER (5)

Observing ancient monuments

10. The administration department-



- (a) Has to organize an ancient monument observation group of specialists to examine, if necessary, whether an ancient monument is genuine;
 - (b) if actions under sub-section (a) are in dispute, the department has to submit the matter for analysis by a group of specialists formed by the ministry.
11. The decision of the ministry, upon review after a submission according to section (10), sub-section (b), is final and not changeable.

CHAPTER (6)

Notifying the presence of an ancient monument

12. Anyone who has found an ancient building of 100 years or more of age without owner on the ground, underground, above the water or under water has to inform, if the building is recognized as or believed to be an ancient monument, the nearest village or township administration department.
13. (a) The village or township administration officer has to preserve the building in suitable ways and inform the township administration department within 14 days. The township administration officer has to take actions immediately and inform the administration department [*under the Ministry of Culture*] within 7 days after having obtained the information.
- (b) The administration department has to assume the respective functions and carry out the respective processes for the observation, protection and preservation of the building after having obtained information according to sub-section (a).

CHAPTER (7)

Applying for permission, scrutinizing and approval

14. A person desirous to carry out any of the following shall abide by the provisions of other existing laws and also apply to the administration department, showing that he fulfills the requirements, in order to obtain prior permission under this law:
- (a) renovating an ancient monument without altering the original form or extending the boundary of its enclosure;
 - (b) constructing religious artefacts and accessories on the ancient monuments;
 - (c) constructing or expanding a new building for religious or other reasons;
 - (d) constructing a new building with the same structure as the ancient monument;
 - (e) researching, and doing field trips which include research and digging works, near the location of sites with ancient monuments;



- (f) organizing a trust or other types of organization for the protection and preservation of ancient monuments.
15. Every person desirous to engage in the following within the area of certain ancient monuments has to apply for the permission of the administration department:
- (a) expanding a city, village or township;
 - (b) constructing, expanding or renovating a hotel, motel, guest house, lodging house or industrial building or extending the boundary of the enclosure of the building;
 - (c) digging for petroleum, natural gas or minerals; developing oil and gas pipelines; constructing, extending or renovating towers, bridges, airports or irrigation canals;
 - (d) constructing underground works related with electricity and communication;
 - (e) digging a well, pond or fish-breeding pond;
 - (f) mining for gold, producing sand, digging stones, brickworks and other works which can impact the soil density and ground structure;
 - (g) placing an ancient monument inside the area of a public building or extension of the boundary of the building's enclosure into an ancient monument zone;
 - (h) constructing buildings near an ancient monument if this violates the structural rules approved by the ministry.
16. The administration department can approve or reject an application submitted under sections (14) or (15) after having analyzed it.

CHAPTER (8)

Prohibitions

17. No one is allowed to fail to inform the nearest village or township administration department of the presence of ancient monuments according to section (12).
18. No one is allowed to do any of the acts specified in section (14) and section (15) without the permission of the administration department.
19. No one is allowed to do the following acts without written permission of the administration department-
- (a) destroying an ancient monument;
 - (b) altering the original ancient form and structure or original ancient work-form of an ancient monument;
 - (c) excavating in order to search for antiquities;
 - (d) removing the original parts or art work from ancient monuments.



20. No one is allowed to do any of the follow acts likely to cause damage to an ancient monument within the boundary without prior written permission of the administration department-
- (a) Taking photos or making videos or films, duplicating and making replicas of an ancient monument which is specified as an approved ancient monument;
 - (b) using and driving heavy machines and vehicles which may cause vibrations within the area of an ancient monument;
 - (c) Cultivation, gardening, growing animals and creating an enclosure near an ancient monument or engaging in other acts which can cause damage to the monument;
 - (d) Engaging in acts related to gas such as *[flying a]* balloon;
 - (e) Landing or flying airplanes and helicopters which are not in compliance with standards aimed at preventing direct or indirect damage to ancient monuments;
 - (f) Releasing of chemical waste which can cause pollution of ancient monuments and the natural environment.

CHAPTER (9)

Offences and penalties

21. Anyone found to have violated the prohibition of the following acts will be punished with imprisonment from six months to one year or with a fine from Ks. 300,000 to Ks. 1,500,000 or with both:
- (a) Engaging in any of the acts specified in section (14) without the permission of the administration department;
 - (b) Engaging in any of the acts specified in section (20) which may cause damage to an ancient monument.
22. Anyone found to have violated the prohibition contained in section (17) will be punished with imprisonment of up to six months or with a fine from Ks. 100,000 to Ks. 500,000 or with both.
23. Anyone found to have violated the prohibition contained in section (15) will be punished with imprisonment from three to five years or with a fine of from Ks. 1,000,000 to Ks. 5,000,000 or with both.
24. Anyone found to have violated the prohibition contained in section (19) will be punished with imprisonment from five to ten years and with a fine.
25. The court has to pass any of the following orders in case of offences under this law:-
- (a) Causing the building constructed to be dismantled;
 - (b) causing the restoration of the expanded building, well, pond, or fish-breeding pond to its original position;



- (c) causing the restoration of the altered and repaired form of the building or land to its original form.
26. Anyone failing to follow the order passed under section (25) will be punished with a fine from Ks. 100,000 to 500,000 for each day of failure.

CHAPTER (10)

Miscellaneous

27. The ministry can work in cooperation with related ministries, region or state governments for the protection and preservation of land or the part of the land where an ancient monument is located.
28. A person who found or notified the presence of an ancient monument shall be assumed the beneficiary of a reward, but shall not be assumed to be the owner.
29. The ministry can accept and manage money donated for the protection and preservation of ancient monuments under the financial rules.
30. Offences under sections (21) and (22) are cognizable offences.
31. As buildings cannot be carried to court as evidence when suing under this law, reports or other official documents specifying how the building is maintained can be submitted as evidence. The court has to accept *[such a submission]* and pass the appropriate order according to this law.
32. The ministry can work and negotiate with the related ministry in order to obtain supporting police officers concerned with the protection of ancient monuments.
33. The rules and regulations made according to the 1957 Antiquities Act which is revoked by the Protection and Preservation of Antiquities Law can still be applied unless they are in violation of any of any provisions of this law.
34. In order to implement the provisions of this law:
- (a) The ministry can announce rules and regulations with the approval of the Union Government;
 - (b) the ministry can announce notifications, orders, directives and procedures and the administration department can announce orders and directives.

I signed and approved under the Constitution of the Republic of the Union of Myanmar.

Thein Sein

President

The Republic of the Union of Myanmar