The State Peace and Development Council

The Protection and Preservation of Cultural Heritage Regions Law

(The State Peace and Development Council Law No. 9/98)
The 5 th Waning Day of Tawthalin, 1360 M.E.
(10 th September, 1998)

The State Peace and Development Council hereby enacts the following Law

Chapter I
Title and Definition

1. This Law shall be called the Protection and Preservation of Cultural Heritage Regions Law.

2. The following expressions contained in this Law shall have the meanings given hereunder:

(a) Cultural Heritage means ancient monument or ancient site which is required to be protected and preserved by reason of its historical, cultural artistic or anthropological value;

(b) Ancient Monument includes the following that have existed before 1886 or that have been determined as cultural heritage:

(1) Architectural structure, shrine, sputa, temple, monastery, palace, residential building and carving, image and painting thereon;

(2) Natural or man-made cave in which human beings had dwelt;

(3) Stone inscription and record;

(4) Road, bridge, sepulcher, sepulchral site and remains of excavated structure;

(5) Pond, city-wall, wall, gateway, moat, fort and any remains thereof;

(c) Ancient Site means place or high ground where a town or settlement of ancient people or ancient monument had existed before 1886 or which is determined as cultural heritage whether it is in the process of excavation or has not yet been excavated;

(d) Precinct of Ancient Monument means the enclosure of an ancient monument prescribed under this Law;

(e) Ancient Monumental Zone means the zone where the ancient monument is situated and which is prescribed under this Law:

(f) Ancient Site Zone means the zone where the ancient site is situated and which is prescribed under this Law

(g) Protected and Preserved Zone means the zone prescribed under this Law for the protection and preservation of the view of the cultural heritage, ancient monument and ancient sites in order that they may not be destroyed;

(h) Cultural Heritage Region means the ancient monumental zone, ancient site zone or the protected and preserved zone prescribed under this Law

(i) Department means the Department of Archaeology.

Chapter II
Objectives

3. The objectives of this Law are as follows:

(a) to implement the protection and preservation policy with respect to perpetuation of cultural heritage that has existed for many years;

(b) to protect and preserve the cultural heritage regions and the cultural heritage therein 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 of citizens by protecting and preserving the cultural heritage regions.

(d) to promote public awareness and will as to the high value of the protection and preservation of the cultural heritage regions;

(e) to protect the cultural heritage regions from destruction;

(f) to carry out protection and preservation of the cultural heritage regions in conformity with the International Convention approved by the State.

Chapter III
Determining Cultural Heritage Region

4. The Ministry of Culture may, with the approval of the Government issue notification demarcating any or more than one of the following kinds of zones as a cultural heritage region:

(a) ancient monumental zone;

(b) ancient site zone;

(c) protected and preserved zone.

5. The Ministry of Culture may carry out as follows for the acquisition of any land within the cultural heritage region, if necessary: -

(a) It the land is under the administration of any government department or government organization, coordinating in advance, with the relevant government department or government organization;

(b) If it is land in which there is right of cultivation, right of possession, right of utilization, beneficial right, right of succession or right of transfer, coordinating in advance with the relevant Ministry in accordance with the existing laws.

Chapter IV
Protecting and Preserving the Cultural Heritage Region

6. The Ministry of Culture may cause to be dismantled a building which is not an ancient monument and which obstructs the view of an ancient monument or surrounding natural landscape within the cultural heritage region.

7. The Ministry of Culture may direct the relevant Trust who is taking care of the ancient monument to do so without altering the original ancient form and structure and the original ancient workmanship.

8. The Ministry of Culture may determine region wise the conditions to be observed in the construction of buildings in the cultural heritage region.

9. The Department shall carry out works of protection and preservation of the ancient monuments and ancient sites situated in the cultural heritage region.

10. The Department may prohibit any person from ploughing and cultivating within the boundary of the ancient monument or ancient site or from carrying out any activity that may cause damage to the cultural heritage in the cultural heritage region.

11. The Department shall, with the approval of the Ministry of Culture, carry out the following in the cultural regions:

(a) determining the precinct of an ancient monument

(b) prescribing the conditions to be abided by the shops opened within the precinct determined under sub- section (a).

Chapter V
Functions and Duties of the Ministry of Culture

12. The functions and duties of the Ministry of Culture are as follows:

(a) carrying out works of protection and preservation, revelation of and research on cultural heritage regions;

(b) safeguarding the prominent and culturally of high value cultural heritage regions and the decaying cultural heritages that should be given priority in preservation;

(c) determining with the approval of the Government, the ancient monuments and ancient sites that should be determined as cultural heritage in the cultural region;

(d) carrying out with the approval of the Government, to enable the ancient monuments and ancient sites that should be determined as world cultural heritage to be included in the list of the world cultural heritage;

(e) taking measures as may be necessary to prevent smuggling of antiquities from the cultural heritage region to foreign countries and to recover those antiquities that have been taken outside the country;

(f) carrying out public educative work for protection and preservation of cultural heritage regions, and for taking pride in the value of the cultural heritage.

Chapter VI
Applying for Prior Permission, Scrutinizing and Issuing

13. A person desirous of carrying out one of the following shall abide by the provisions of other existing laws and also apply to the Department in accordance with stipulations to obtain prior permission under this Law

(a) within the ancient monumental zone or the ancient site zone:

(1) constructing or extending a building;

(2) renovating the ancient monument or extending the boundary of its enclosure;

(b) within the protected and preserved zone, constructing, extending, renovating a hotel, motel, guest house, lodging house or industrial building or extending the boundary of its enclosure;

(c) within the cultural heritage region

(1) carrying out the renovation and maintenance work of the ancient monument without altering the original ancient form and structure or original ancient workmanship;

(2) carrying out archaeologica4 excavations;

(3) building road, constructing bridge, irrigation canal and embankment or extending the same.

14. (a) The Department shall, after scrutinizing the application submitted under section 13 in accordance eith the stipulations, submit the same to the Ministry of Culture with the remark of the Department;

(b) The Ministry of Culture may, in respect of the matter contained in section 13, grant or refuse permission after scrutiny;

(c) When permission is granted under sub-section(b) the Department shall issue the permit to the application together with the conditions to be observed.

15. A person desirous of carrying out one of the following shall abide by the provisions of other existing laws and also apply in accordance with the stipulations to the Department to obtain prior permission under this Law:-

(a) renovation of a building other than an ancient monument or extension of the boundary of its enclosure in the ancient monumental zone or the ancient site zone;

(b) within the protected and preserved zone, constructing, extending, renovating a building other than a hotel, motel, guest house, lodging house or industrial building or extending the boundary of its enclosure;

(c) digging well, pond and fish-breeding pond or extending the same within the cultural heritage region.

16. The Department:

(a) may, after scrutinizing in accordance with the stipulations the application submitted under section 15, grant or refuse permission;

(b) shall, when permission is granted under section (a), issue the permit to the applicant together with the conditions to be observed.

17. The Ministry of Culture and the Department shall, with respect to the application for prior permission under this Law, scrutinize based on the following acts : -

(a) whether it can cause obstruction of the view of the cultural heritage region or not.

(b) whether it is clear of the ancient monument or ancient site or not;

(c) whether it can obstruct the surrounding natural landscape or not;

(d) whether it can undermine the grandeur of the ancient monument or not;

(e) whether it can affect the security of the cultural heritage or not; and

(f) whether it can cause environmental pollution or not.

Chapter VII
Prohibitions

18. No person shall, without prior permission granted under this law, construct, extend, renovate a building or extend the boundary of its enclosure in the ancient monumental zone or ancient site zone.

19. No person shall, without prior permission granted under this Law carry out any of the following with respect to a building within the protected and preserved zone: -

(a) constructing or extending;

(b) renovating or extending the boundary of its enclosure.

20. No person shall carry out any of the following in the cultural heritage region:

(a) destroying an ancient monument;

(b) willfully altering the original ancient form and structure or original ancient workmanship of an ancient monument;

(c) excavating to search for antiquities;

(d) exploring for petroleum, natural gas, precious stones or minerals.

21. No person shall, without prior permission granted under this Law, carry out an~ of the following in the cultural heritage region:

(a) carrying out renovation and maintenance work on an ancient monument

(b) carrying out archaeological excavation;

(c) building road, constructing bridge, irrigation canal, embankment or extending the same

(d) digging well, pond, fish-breeding pond or extending the same;

22. No person shall construct a building which is not in conformity with the conditions prescribed region wise by the Ministry of Culture in the cultural heritage region.

23. No person shall plough and cultivate or carry out any activity which may cause damage to the cultural heritage within the boundary notified by the Department in the cultural heritage region.

Chapter VIII
Offences and Penalties

24. Whoever violates any provision of section 18, sub-section (a) of section 19 or section 21 shall, on conviction be punished with fine which may extend to kyats 50,000 or with imprisonment for a term which may extend to 5 years or with both.

25. Whoever violates any provision of sub-section (b) of section 19, section 22 or section 23 shall, on conviction be punished with fine which may extend-to kyats 30,000 or with imprisonment for a term which may extend to 3 years or with both.

26. Whoever violates any provision of section 20 shall, on conviction be punished with imprisonment, for a term which may extend from a minimum of 1 year to a maximum of 7 years and may also be liable to a fine.

27. The Court shall also pass any of the following orders on whoever is convicted of any of the offences under this Law:

(a) causing the building constructed to be dismantled

(b) causing the restoration of the extended building or boundary of the enclosure to its original position;

(c) causing the restoration of the altered and repaired form of the building or land to its original form.

28. Whoever fails to abide by the order passed under section 27, shall he liable to a fine which may extend from kyats 500 to 1,000 for each day for failure to abide by such order.

Chapter. IX
Miscellaneous

29. (a) The provision of sub-section (d) of section 20 shall not apply to the drilling of petroleum or natural gas and mining of precious stones or minerals for the benefit of the State in the cultural heritage region.

(b) If any circumstance arises for the drilling of petroleum or natural gas and mining of precious stones or minerals in the cultural heritage region for the benefit of the State, it shall be submitted to the Government and permission shall be requested.

30. In order to carry out the provision-is of this Law:

(a) the Ministry of Culture may issue such rules and procedures as may be necessary, with the approval of the Government;

(b) the Ministry of Culture and the Department may issue such orders and directives as may be necessary.

Sd./ Than Shwe
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The State Peace and development Council