

The Protection and Preservation of Antique Objects Law
(The Pyidaungsu Hluttaw Law No. 43, 2015)
The 6th Waxing of Second Waso, 1377 M.E.
(22nd July, 2015)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the **Protection and Preservation of Antique Objects Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Antique Object** means objects which are used by human beings including fossils over one hundred years old in above or under the ground or in above or under the water;
 - (b) **Antique Object which is not Myanmar Origin** means antique object made in any other foreign country which is in Myanmar for any cause;
 - (c) **Museum** means a building opened by any Government Department or Regional Administrative Organization or individual with the intent to exhibit in order to learn peacefully and educate the public by doing protection, preservation and research the psychosomatic heritages which educates the public and which is valuable in terms of culture, history and art;
 - (d) **Protection and Preservation** means covering, repairing in original form and renovating, cleaning, modifying and maintaining an antique object by any other means including chemical means 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 antique objects;
 - (b) to protect and preserve antique objects 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 protection and preservation of antique objects;
 - (d) to have public awareness of the high value of antique objects;
 - (e) to carry out in respect of protection and preservation of antique objects in conformity with the International Convention and Regional Agreement ratified by the State.

Chapter III

Specification of an Antique Object

4. The following objects which are consistent with the definitions contained in sub-section (a) of section 2 are specified as antique objects:
 - (a) tangible and intangible cultural heritage including fossil, corpse and bones of human beings and various types of animals;
 - (b) Buddha image, votive tablet, mural painting, cloth painting, figurine, collapsed damages and religious objects;
 - (c) work of arts including stucco curving made on reliable religious buildings of the public;
 - (d) tools made of stone, bronze, iron or any metal or bone, tusk, horn of animal or wood or bamboo;
 - (e) silver casting objects including coin made of gold, silver, bronze, iron or any metal, earthened coin or terracotta coin and pieces of gold, pieces of silver used as currency, gold bowl and silver bowl;

- (f) carved objects including statute, image and relief made of gold, silver, stone, bronze, iron or any metal or earth, terracotta, cement, brick, stone, wood or bone, tusk and horn of animal;
- (g) royal regalia and royal objects;
- (h) vehicle including palanquin, coach and cart;
- (i) epigraphical evidences including stone inscription, inscribed brick, bell inscription, ink writing, gold inscription, silver inscription, copper inscription, glazed plaque script, votive tablet script, manuscript, leather script, print, palm-leaf manuscript, folding parchment, alphabet, seal and logo;
- (j) handicrafts pertaining to ten kinds of Myanmar traditional art and crafts;
- (k) relief and other wood carving made as decorations in residential building including public rest house, metal carving, work of arts including stone engraving, petroglyph and earthen ware;
- (l) clothing including Myanmar turban, supreme head, head plate and clothes;
- (m) ornaments;
- (n) measuring tools including weight, measurement basket for grain and scale;
- (o) utensils including harrow, plough, pottery hammer and weaving instruments;
- (p) pottery, glazed ware, stone pot, stone bowl, porcelain and utensils including pot, bowl, plate, spoon and lacquer-ware made of gold, silver, bronze or any metal;
- (q) musical instruments including drum, gong, flute, oboe, cymbal (lingwin), brass gong and Myanmar orchestra (saing waing);
- (r) ornaments worn on animals including elephant, horse and cattle;
- (s) Myanmar traditional playthings including earthen sherd and stone sherd;
- (t) other objects recorded as antique objects after field inspection of the Ministry.

Chapter IV

Protection, Preservation, Submission and Acceptance of Antique Objects

5. The Ministry shall carry out the following:
 - (a) protection, preservation, excavation, collection and research of Antique objects;

- (b) carrying out to prevent smuggling of antique objects to foreign countries by illegal means and to recover antique objects that have been taken outside the country illegally;
 - (c) carrying out educative work for taking pride in the value of antique objects and for protection and preservation of them by the public;
6. The Ministry may carry out for the perpetuation of any antique object as follows:
- (a) protection and preservation of antique objects in coordination with the Ministries concerned;
 - (b) moving any antique object in order to renovate and keep safely with the approval of the owner;
 - (c) protection and preservation of any antique object which has no owner or custodian by specifying as state-owned property;
 - (d) keeping and exhibiting antique objects which are being stipulated as high valuable heritage under the rules in the National Museum and the Museums of the Ministry of Culture;
 - (e) directing to exhibit antique objects which cause dynamism of patriotic spirit in the Regional Museum;
 - (f) approving and deciding the object and choice of place to keep antique objects found in various regions of the State and to exhibit in coordination with the relevant Region or State Government.
7. The Ministry:
- (a) may protect or preserve by specifying and accepting an antique object as state-owned property if anyone submit it which is in his possession by any means or his heritage;
 - (b) the person who submits the antique object under sub-section (a) shall be recognized as the beneficial person and shall be awarded the extra payment for historical and cultural value in addition to the well-deserved current price.
8. (a) The Ministry has the right to protect and preserve antique objects as cultural heritage after transferring it from the relevant owner or the right holder by awarding extra payment for historical and cultural value in addition to well-

deserved current price if it is assumed that it may be damaged, decayed, destroyed or to be destroyed if it is moved;

- (b) The power of the Ministry under sub-section (a) shall not be applied to the following antique objects:
 - (i) an antique object which is currently used for worship according to religion;
 - (ii) an antique object for which the owner is desirous to keep by himself with reasonable ground for himself or his ancestor or any member of his family.
9. The Ministry may delegate the Department to carry out the functions and duties in respect of protection, preservation, submission and acceptance of antique objects.

Chapter V

Inspection of an Ancient Building

10. The Department:
- (a) shall, if it is necessary to inspect any antique building whether it is a real or not, decide it by inspection Body for Ancient Building;
 - (b) shall submit and take the decision of the Expert Group formed by the Ministry if any dispute arises in carrying out under sub-section (b).
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 building or not.

Chapter VI

Informing that an Antique Object is found

12. The person who finds any object which has no owner or custodian, he shall promptly inform the relevant Ward or Village-Tract Administrator if he knows or it seems reasonable to assume that the said object is an antique object.
13. (a) If the information is received under section 12, the Ward or Village-Tract Administrator shall keep the said object 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 antique object or not and keep or cause to keep as may be necessary in accord with the stipulations when the information is received under sub-section (a).

Chapter VII

Applying the permission for an Antique Object

14. (a) Any Department, organization or person desirous to carry out any of the following shall apply for permission to the Department or the Division delegated by the Department in accord with the stipulations:
- (i) excavation or search of an antique object above or under the ground and above or under the water;
 - (ii) carrying and transporting an antique object to a foreign country in order to display in an exhibition, to do research or to protect and preserve it by the programme of cultural exchange mutually;
 - (iii) transporting an antique object from one place to another within the country;
 - (iv) taking photo, video or film, copying or duplicating and replicating for the commercial purposes of an antique object which is kept in the possession of the Department.
- (b) The Department or the Division delegated by the Department may grant permission or refuse to grant permission after scrutinizing the application under sub-section (a) in accord with the stipulations.

Chapter VIII

Offences and Penalties

15. Whoever carries or transports an antique object to a foreign country without permission shall, on conviction, be punished with imprisonment for a term from a minimum of five years to a maximum of ten years or with a fine from a minimum of

five million kyats to a maximum of ten million kyats or with both. In addition, the exhibit of the antique object involved in the offence shall be confiscated.

16. Whoever degenerates the original form, destroys, excavates or searches an antique object above or under the water or above or under the ground without permission shall, on conviction, be punished with imprisonment for a term from a minimum of three years to a maximum of seven years or with a fine from a minimum of three million kyats to a maximum of five million kyats or with both. In addition, the exhibit of the antique object involved in the offence shall be confiscated.
17. Whoever collects, keeps in possession, sells or purchases an antique object with the intent to sell for the commercial purposes shall, on conviction, be punished with imprisonment for a term from a minimum of two years to a maximum of five years or with a fine from a minimum of fifteen hundred thousand kyats to a maximum of three million kyats or with both. In addition, the exhibit of the antique object involved in the offence shall be confiscated.
18. Whoever commits any of the following offences without permission under subsection (b) of section 14 shall, on conviction, be punished with imprisonment for a term from a minimum of one year to a maximum of three years or with a fine from a minimum of three hundred thousand kyats to a maximum of five hundred thousand kyats or with both. In addition, the exhibit of the antique object involved in the offence shall be confiscated:
 - (a) carrying or transporting an antique object from one place to another within the country;
 - (b) taking photo, video or film, copying or duplicating and replicating for the commercial purpose of an antique object which is kept in the possession of the Department.
19. Whoever violates the provision contained in section 12 and fails to inform in respect of an antique object shall, on conviction, be punished with imprisonment for a term from a minimum of six months to a maximum of one year or with a fine from a minimum of one hundred thousand kyats to a maximum of three hundred thousand kyats or with both.

20. Whoever attempts or conspires to commit any offence contained in this Law or abets in committing an offence shall, on conviction, be imposed the sentence provided in this Law for the relevant offence committed by him.

Chapter IX

Miscellaneous

21. The Ministry may, in accord with the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of the Ownership of Cultural Property:
- (a) transfer such object in accord with the Law to any country, department, organization, or person requested with sufficient ground of ownership;
 - (b) confiscate and manage such object as may be necessary if any country, department, organization or person does not request it;
 - (c) request the antique objects of Myanmar origin which are in foreign countries.
22. The Ministry shall, in coordination with the relevant Ministry, Region or State Government, safeguard the land or a part of it in which an antique object is found for the benefit of the State in accord with the existing law.
23. The person who informs or submits any antique object shall not be deemed as the owner but as the person who is entitled to enjoy the benefit.
24. The Ministry may accept and keep money donated with goodwill so as to protect and preserve or to purchase an antique object and may manage it in accord with financial regulations.
25. The offence contained in section 19 is recognized as a cognizable offence.
26. If an exhibit 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 for disposal of the same in accord with law.
27. Rules, orders and directives issued under the Antique Objects Act, 1957 which is repealed by this Law may continue to exercise so far as it is not contrary to this Law.

28. In implementing the provisions contained 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.
29. The Antique Objects Act, 1957 is hereby repealed by this Law.

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