

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်



အမျိုးသားမှတ်တမ်းနှင့် မော်ကွန်းဥပဒေ

NATIONAL RECORDS AND ARCHIVES LAW

၁၉၉၀ ပြည့်နှစ်၊ စက်တင်ဘာလ ၁၃ ရက်

( 13<sup>th</sup> September, 1990 )

၂၀၀၇ ခုနှစ်၊ ဖေဖော်ဝါရီလ ၂၁ ရက်

( 21<sup>st</sup> February, 2007 )

မာတိကာ

အမျိုးသားမှတ်တမ်းနှင့် မော်ကွန်းဥပဒေ

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

## **National Records and Archives Law**

( The State Law and Order Restoration Council Law No. 18/90 )

The 10<sup>th</sup> Waning Day of Tawthalin, 1352 M.E.

( 13<sup>th</sup> September, 1990 )

The State Law and Order Restoration Council hereby enacts the following Law : -

### **CHAPTER I**

#### **Title and Definition**

1. This Law shall be called the National Records and Archives Law.
2. The following expressions contained in this Law shall have the meanings given hereunder : -
  - (a) **Record** means a document, inscription, parabaik and palmleaf script, manuscript and printed script which is written and compiled or received by any Government department or any other organization or any individual. This expression also includes alphabet, sound and image recording recorded by mechanical or electrical or any other process;

- (b) **Archives** means a record among the records contained in sub-section (a) which after scrutiny by the Supervisory Body is found to be one which warrants permanent preservation and is classified as an archives as it contains supporting evidence and particulars pertaining to history cultural heritage, State Administration etc. of Myanmar;
- (c) **Minister** means the Minister who is responsible for the Department of National Archives;
- (d) **Supervisory Body** means the National Records and Archives Supervisory Body which is formed under this Law;
- (e) **Department** means the Department of National Archives;
- (f) **Director General** means the Director General of the Department of National Archives;
- (g) **Government Department** means any government department (including Defence Services), any department, any State-owned economic enterprise of any organization under the Government. This expression also includes departments subordinate to aforesaid departments and organizations subordinate to aforesaid organizations;
- (h) **Other organization** means any public organization or any association which is not a Government department.

## **CHAPTER II**

### **Formation of Supervisory Body**

3. The National Records and Archives Supervisory Body shall be formed to guide and supervise the conservation and safe keeping of the national records and archives in its entirety.

4. The Government shall form the Supervisory Body with citizens as follows:

- (a) shall form with a minimum of 5 members to a maximum of 15 members;
- (b) shall designate the Chairman and Secretary of the Body.

## **CHAPER III**

### **Duties and Powers of Supervisory Body**

5. The duties and powers of the Supervisory Body are as follows:-

- (a) scrutinizing as to whether or nor records transferred to the Department warrant classification as archives, and if they are found to be so classified as archives, directing the preservation of the same;
- (b) if any record or archives of a foreign country concerning Myanmar is beneficial to the State, directing the acquisition by transfer or purchase of the same;

- (c) directing acquisition by transfer of treaties, international agreements, exchange notes etc. executed by Myanmar;
- (d) directing the preservation of printed and published laws, rules, regulations, by-laws, orders, declarations, procedures, manuals, reports, gazettes, documents etc. sent to the Department by Government departments;
- (e) directing the scrutiny and receipt of records transferred by other organizations to the Department by Government departments in accordance with the grade of security and tenure;
- (f) out of the records transferred by other organizations to the Department, directing the scrutiny and receipt of those records which warrant preservation or if there is a proposal for sale of the records, directing the purchase of the same, if required;
- (g) out of the records transferred by any individual to the Department, directing the scrutiny and receipt of those records which warrant preservation, or if there is a proposal for sale of the records, directing the purchase of the same, if required;
- (h) when requested by any Government department, any other organization or any individual to use as reference, records and archives transferred to the Department directing duplicates of the same to be made in accordance with the terms and conditions prescribed;

- (i) when submitted in the prescribed manner by any Government department, any other organization or any individual to study archives of the restricted, private and confidential grades, deciding after scrutiny as to whether permission should be granted or not;
- (j) out of the records which have come into the possession of the Department, directing the destruction of those records which do not warrant preservation;
- (k) submitting and obtaining the decision of the Minister as to whether any archives be permitted to be taken abroad;
- (l) *inspecting from time to time as to whether the archives are conserved properly or not;*
- (m) directing provision to assistance requested by Government departments in respects of records management;
- (n) delegating responsibility to the Director General in respect of other matters to be carried out under this Law.

## **CHAPTER IV**

### **Transferring of Records, Classifying the Grade of Security and the Tenure of Records**

6. Records in the possession of Government departments :
  - (a) which have completed 12 years and are no longer in use shall be transferred to the Department;
  - (b) which although have not completed 12 years may be transferred to the Department, if the Government department so desire.
  
7. When transferring records to the Department under section 6, the Government department concerned shall classify as follows after reviewing as to whether the grade of security of such records needs to be lowered or not:
  - (a) strictly confidential grade records ;
  - (b) confidential grade records ;
  - (c) private grade records ;
  - (d) restricted grade records.
  
8.
  - (a) The Supervisory Body shall classify the records transferred to the Department under section 6 into records and archives ;
  - (b) The Supervisory Body shall prescribe the grade of security of archives.

9. The grades of security and the tenure of the archives are as follows:

- (a) without limitation of time in the case of strictly confidential grade archives ;
- (b) 50 years in the case of confidential grade archives ;
- (c) 30 years in the case of private grade archives ;
- (d) 25 years in the case of restricted grades archives.

10. The Supervisory Body may from time to time review and lower or raise the grade of security and tenure of archives.

## **CHAPTER V**

### **Powers of the Minister**

11. The Minister has the following powers :

- (a) giving decision in respect of application requesting permission to take any archives abroad ;
- (b) giving decision in respect of application requesting permission to study any archives of the strictly confidential grade ;
- (c) granting exemption to records from being transferred to the Department under section 6 sub-section (a) where such exemption is warranted ;

- (d) giving decision in matters submitted by the Supervisory Body or the Director General ;
- (e) guiding and directing as may be necessary the management of records and archives.

## **CHAPTER VI**

### **Duties and Powers of the Director General**

12. The duties of the Director General are as follows :
- (a) supervising the safe keeping and conservation of the records and archives of the Department;
  - (b) communicating with Government departments for obtaining records which are to be transferred to the Department under section 6 sub-section (a);
  - (c) carrying out duties assigned by the Minister and the Supervisory Body.
13. The Director General has the following powers :
- (a) granting permission to make certified duplicates of records or archives permitted to be duplicated, on payment of prescribed fees when application is made therefor ;

- (b) granting permission in accordance with the procedures to any Government department, or any other organization or any individual to study records and archives for which no security grade has been classified, archives the tenure of security of which has expired and laws, reports, gazettes etc. published by Government departments ;
- (c) scrutinizing and receiving records of any defunct Government department or other organization if there is no Government department or other organization to take over the same ;
- (d) holding seminars and training courses in records management ;
- (e) for the purpose of ensuring a proper system of records management in Government departments, having the right to persue such records and give such suggestions as may be necessary ;
- (f) holding educative workshops to enable the public to understand the importance of the preservation of archives ;
- (g) having the right to communicate with international archival organizations.

**CHAPTER VII**  
**Prohibition and Penalties**

14. No one shall destroy, alter, add or in any manner ruin any archives.

15. No one shall, without the permission of the authorities concerned, study or make duplicates of any archives the security grade and tenure of which has not yet expired.

16. No one shall, without the permission of the authorities concerned remove any archives out of the Department.

17. No one shall, without the permission of the authorities concerned take any archives abroad.

18. Whoever contravenes any provision of section 14, section 15, section 16 or section 17 shall, on conviction, be punishable with imprisonment for a term which may extend to 5 years, or with fine which may extend to kyats 10000 or with both.

19. Whoever abets or attempts or conspires in the commission of any offence under this Law shall be liable to the punishment provided for such offence in this Law.

## **CHAPTER VIII**

### **Miscellaneous**

20. The provisions of this Law shall not apply to the Defence Services Historical Research Institute. Provided that the Department may accept and preserve the records and archives transferred by the Defence Services Historical Research Institute and that it may make duplicates of the records or archives which the Defence Services Historical Research Institute desires to refer to.

21. A copy each of any book or pamphlet printed and published by any Government department, any other organization or any individual shall be sent to the Department in the manner prescribed.

22. For the purpose of carrying out the provision of this Law, the Ministry concerned : -

- (a) may, with the approval of the Government issue such procedures as may be necessary;
- (b) may issue such orders and directives as may be necessary.

(Sd) SAW MAUNG

Senior General

Chairman

The State Law and Order Restoration Council

အမျိုးသားမှတ်တမ်းနှင့်မော်ကွန်းဥပဒေကို  
ပြင်ဆင်သည့်ဥပဒေ

THE LAW AMENDING THE NATIONAL ARCHIVES AND  
MAWGUN LAW

၂၀၀၇ ခုနှစ်၊ ဖေဖော်ဝါရီလ ၂၁ ရက်  
( 21<sup>st</sup> February, 2007 )

**The Union of Myanmar**

**The State Peace and Development Council**

**The Law Amending the National Archives and Mawgun Law, 2007**

( The State Peace and Development Council Law No 2/2007 )

The 6<sup>th</sup> Waxing Day of Tabound 1368 ME

( 21<sup>st</sup> February, 2007 )

The State Peace and Development Council hereby enacts the following Law.

1. This Law shall be called the Law Amending the National Archives and Mawgun Law, 2007.

2. Section 6 of the National Archives and Mawgun Law shall be substituted as follows:

- "6. (a) the government departments shall transfer the records in their possession which have completed 12 years and are no longer in use to the Department. Although 12 years have not been completed if they desire to transfer them to the Department, they may do so;
- (b) the Department shall, after examining the records of the government departments which have completed 12 years, take over the records which are found to be no longer in use and which may become Mawgun;
- (c) the government departments shall keep the records which may become Mawgun under the examination of the Department out of the records which have completed 12 years but are still in use in accordance with the examination and direction of the Department. Such records shall be transferred to the Department when they are no longer in use;
- (d) the Department may copy the records which may become Mawgun as such."

3. Section 12 of the National Archives and Mawgun Law shall be substituted as follows: -

"12. The duties of the Director General are as follows:

- (a) supervising the conservation and safe custody of the records and Mawgun of the Department;
- (b) communicating with government departments to obtain the records which are to be sent to the Department under sub-section (a) of section 6;
- (c) receiving the records transferred by the government departments under sub-sections (a) and (c) of section 6;
- (d) preparing the lists of Mawgun series of the archives established by the government departments and other organizations and keeping them at the Department;
- (e) carrying out duties assigned by the Minister and the Supervisory Body."

4. Section 14 of the National Archives and Mawgun Law shall be substituted as follows: -

"14. No one shall destroy, alter, add or in any manner ruin any Mawgun or any record which may become Mawgun under the examination of the Department as provided in sub-section (c) of section 6."

5. The expression "Kyats 10000" contained in section 18 of the National Archives and Mawgun Law shall be substituted by the expression "one hundred thousand kyats."

(Sd) Than Shwe  
Senior General  
Chairman

The State Peace and Development Council