

The State Law and Order Restoration Council

The National Archive and Mawgun Law

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

The 10th Waning Day of Tawthalin, 1352 M.E.

(13th September, 1990)

[Amendment : 21.02.2007]

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 Archive and Mawgun Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:-
 - (a) **Record** means a document, permanent inscription, parabaik script, manuscript and printed script which is written and compiled by or which is received by any Government department, or any other organization, or any individual. This expression also includes alphabet, sound and pictorial recording recorded by mechanical, or electrical or any other process;
 - (b) **Mawgun** 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 a mawgun as it contains supporting evidence and particulars relating to history, cultural heritage, State Administration etc. of Myanmar;
 - (c) **Minister** means the Minister who is in charge of the Department of National Archives;
 - (d) **Supervisory Body** means the National Archives and Mawgun 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 or any organization under the Government. The said expression also includes departments subordinate to such departments and organizations subordinate to such 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 Archives and Mawgun Supervisory Body shall be formed to guide and supervise the conservation and safe custody of the national records and mawguns in one lot.
4. The Government shall form the Supervisory Body with citizens as follows:-
 - (a) shall be formed with a minimum of 5 members to a maximum of 15 members ;
 - (b) shall designate the Chairman and Secretary of the Body.

Chapter III

Duties and Powers of Supervisory Body

5. The duties and powers of the Supervisory Body are as follows: -
 - (a) after scrutiny as to whether records transferred to the Department warrant classification as mawgun, and if they are found to be so classified as mawgun, directing the preservation of the same;
 - (b) if any record or mawgun of foreign country concerning Myanmar is beneficial to the State, directing the same to be acquired by transfer or the purchase of the same;
 - (c) directing to acquire by transfer treaties, international agreements, exchange notes etc, executed by Myanmar;
 - (d) directing the preservation of printed and published law, rule, regulation, bye-law, order, declaration, procedure, manual, report, gazette, documents etc, sent to the Department by Government departments;
 - (e) directing the scrutiny and receipt of records transferred to the Department by other Government departments according to the grade of security and tenure;
 - (f) of the records transferred by other organisations to the Department, directing the scrutiny and receipt of records which warrant preservation or if there is a proposal for sale of the records directing the purchase of the same, if required;

- (g) of the records transferred by any individual to the Department, directing the scrutiny and receipt of records which warrant preservation or if there is a proposal for sale of the records, directing the purchase of the same, if required;
- (h) upon request by any Government department or any other organization or any individual of their desire to use for reference, records and mawguns received by way of transfer by the Department, directing copies of the same to be made in accordance with, the conditions prescribed;
- (i) upon submission by any Government department or any other organization or any individual in the prescribed manner of their desire to study mawguns of the restricted grade, private grade and confidential grade, giving decision after scrutiny as to whether permission be given or not;
- (j) of the records which have come into the possession of the Department, directing the destruction of those records the retention of which is no longer necessary;
- (k) submitting, and obtaining the decision of the Minister, as to whether any mawgun be permitted to be taken abroad.
- (l) inspecting from time to time as to whether the mawgun are conserved safely or not;
- (m) directing to give assistance, requested by Government departments in respect of management of records;
- (n) allocation of duty 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 of Records and the Tenure of Records

- 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.

[**<Amendment 21.02.2007>**](#)

7. The Government department concerned shall, when transferring records to the Department under section 6 classify as follows after scrutinizing as to whether the grade of security of such records needs to be lowered or not:-

- (a) records of the strictly confidential grade;
- (b) records of the confidential grade;
- (c) records of the private grade;
- (d) records of the restricted grade.

8. (a) The Supervisory Body shall classify the records transferred to the Department under section 6 into record and mawgun.

(b) The Supervisory Body shall classify the grade of security of the mawguns.

9. The grade of security and the tenure of the mawguns are as follows:

- (a) in the case of a mawgun of the strictly confidential grade there shall be no limitation of years ;
- (b) 50 years in the case of a mawgun of the confidential grade;
- (c) 30 years in the case of a mawgun of the private grade;
- (d) 25 years in the case of a mawgun of the restricted grade;

10. The Supervisory Body may, from time to time scrutinize and lower or raise the grade of security and tenure of the mawguns.

Chapter V

Powers of the Minister

11. The Minister has the following powers:-

- (a) giving decision in a matter where application is made for permission to take any mawgun abroad;
- (b) giving decision in a matter where application is made for permission to study any mawgun of the strictly confidential grade;
- (c) as regards records which are to be sent to the Department under section 6 sub-section (a), granting exemption to records from being so sent where such exemptions is warranted;
- (d) giving decision in matters submitted by the Supervisory Body or the Director General;

(e) laying down guidelines and directing as may be necessary as regards the management of records and mawguns.

Chapter VI

Duties and Powers of the Director General

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

- (a) supervising the conservation and safe custody of the records and mawguns 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-section (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 Supervisory Body.

[**<Amendment 21.02.2007>**](#)

13. The Director General has the following powers: -

- (a) on application for permission to make true copies in respect of any record or mawgun of the Department permitted to be copied, granting permission to make copies thereof on payment of the prescribed fee;
- (b) permitting any Government or any other organization or any individual to study in accordance with the procedures the records and mawguns for which no security grade has been classified, mawguns the tenure of security of which has expired, laws, reports, gazettes etc; which are printed and published by Government departments;
- (c) if there is no Government department or other organization to take over the records of any defunct Government department or any other organization taking over of such records after scrutinizing;
- (d) holding of seminars and training courses in respect of management of records;
- (e) to ensure a correct system in respect of management of records of Government departments perusing such records, and giving suggestions as may be necessary;
- (f) holding of educative workshops to enable the public to understand the importance of the preservation of the mawgun;

(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 mawgun or any record which may become mawgun under the examination of the Department as provided in sub-section(6) of section.

[**<Amendment 21.02.2007>**](#)

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

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

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

18. Whoever contravenes any provision of section 14, section 15, section 16 or section 17 shall, on conviction be punished with imprisonment which may extend to 5 years, or with fine which may extend to one hundred thousand kyats or with both.

[**<Amendment 21.02.2007>**](#)

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

Chapter VIII

Miscellaneous

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

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

22. In order to carry out the provisions of this Law, the Ministry concerned-

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

Sd/. Saw Maung

Senior General

Chairman

The State Law and Order Restoration Council

Myanmar Law Information System (MLIS)