

The Union of Myanmar

The State Peace and Development Council

The Buildings and Works of Defence of the Union Law

(The State Peace and Development Council Law No. 31 / 2010)

The 12th Waning Day of Thadinkyut, 1372 M.E.

(4th November , 2010)

The State Peace and Development Council hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called **the Buildings and Works of Defence of the Union Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Land** means land and benefits arising out of land, and things attached to the land or permanently fastened to anything attached to the land;
 - (b) **Person interested** means the persons who are entitled to claim the compensation to be made on account of the imposition of restrictions upon the use and enjoyment of land under this Law.

This expression also includes a person who has obtained the interests relating to the land usually obtained by him;

- (c) **Commanding Officer** means the officer in command controlling a building or a work of defence;
- (d) **Collector** means the District Administrator / Administrative Officer of the General Administration Department who is able to carry out the functions and duties of land and revenue under this Law.

Chapter II

Imposition of Restrictions

3. (a) If it is considered by the Commander-in-Chief of the Defence Services that it is necessary to impose restrictions upon the use and enjoyment of land in the vicinity of the building or work of defence of the Union or of land in the vicinity intended to be used or to be acquired for the building or work of defence of the Union, in order to keep such land free from buildings and other constructions, a declaration shall be issued to that effect.
- (b) The declaration issued under sub-section (a) shall be published in the Gazette. Moreover, it shall state the district or other territorial division in which the land is situated on a sketch map of the land not smaller than six inches to one mile scale and shall distinguish the boundaries referred to in section 6.

(c) The Collector shall issue public notice of the substance of the said declaration at suitable places of the relevant area.

4. The declaration issued under section 3 shall be conclusive proof that it is necessary to keep the land free from construction, and existence of further buildings and obstructions except the buildings and other obstructions on the relevant land if they exist.

5. The Collector shall pay or offer to pay all necessary compensation to the person interested for damage caused as aforesaid.

Chapter III

Restriction relating to the Territories Contiguous to the Buildings and Works of Defence of the Union

6. The Government may, if it is necessary, declare any of the following restrictions in respect of such land from the day of the publication of the notice issued by the Collector under sub-section (c) of section 3:

(a) within a boundary of a distance of 2000 yards from the boundary of the plot of land on which the building of defence of the Union exists:

(i) no variation shall be made in the ground-level and no building, wall, bank or other constructions above the ground shall be maintained, erected, added to or altered except carrying out with the written approval of the Commander-in-Chief of the Defence Services;

(ii) no wood, earth, stone, brick, gravel, sand or other material shall be stacked, stored or otherwise accumulated except carrying out with the written approval of the Commander-in-Chief of the Defence Services;

(iii) no surveying operation shall be conducted otherwise than by or under the personal supervision of a public servant duly authorized in this behalf, in the case of land under the control of military authority, by the Commanding Officer and, in other case, by the Collector with the concurrence of the Commanding Officer.

(b) within a boundary of a distance of 1000 yards from the boundary of the plot of land on which the building or work of defence of the Union exists:

(i) the restrictions contained in sub-section (a) shall not be imposed;

(ii) no building, wall, bank or other constructions of permanent materials above the ground shall be maintained or erected other than carrying out with the written approval of the Commander-in-Chief of the Defence Services;

(iii) live hedges, rows or clumps of trees or orchards shall not be maintained, planted, added to or altered.

- (c) within a boundary of a distance of 500 yards from the boundary of the plot of land on which the building or work of defence of the Union exists:
- (i) the restriction contained in sub-sections (a) and (b) shall not be imposed;
 - (ii) no building or other constructions on the surface of the land, or no excavation, building or other construction, below the surface of the land other than construction of small temporary fences with the written approval of the relevant Commanding Officer shall be maintained or erected.

Chapter IV

Marking out, Measuring, Registration and Drawing the Detailed Plan of the Land

7. As soon as the declaration has been issued by the Government under section 6, the Collector shall cause the relevant land to be marked out, measured, registered and plan drawn for building, tree and all other obstructions in accord with the stipulations.

Chapter V

Offences and Penalties

8. Whoever wilfully acts contrary to any of the restrictions declared under section 6 or wilfully obstructs any person who is carrying out under section 7 or

wilfully destroys, damages, alters or otherwise interferes with the work under section 7 or the ground-level or violates any of the prohibitions contained in the rules issued under this Law shall, on conviction, be punished with imprisonment for a term not exceeding one month or with fine not exceeding one hundred thousand kyats, or with both and, in the case of a continuing offence, with an additional fine of 15,000 kyats for each day that he continues to so offend. Moreover, the expenses incurred in removing the effects of the offence may be recovered in the manner for the recovery of fine by the court.

Chapter VI

Miscellaneous

9. If the Collector is wilfully obstructed or interfered in doing anything directed or permitted under this Law, he may obtain the necessary assistance from the Myanmar Police Force and carry out.

10. No award or agreement made under this Law shall be assessed stamp-duty. Moreover, no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

11. In respect of compensation paid by the Collector under section 5:

- (a) any person who is dissatisfied with an award of the Collector may file an appeal to the Administrator / Administrative Officer of the Region or State General Administration Department;

(b) in respect of an appeal under sub-section (a), any person who is dissatisfied with an award of the Administrator / Administrative Officer of the Region or State General Administration Department may file an appeal to the Director General of the General Administration Department. The Director General of the General Administration Department shall decide with the approval of the Minister for the Ministry of Home Affairs and such decision shall be final and conclusive.

12. In implementing the provisions contained in this Law, the Ministry of Defence may issue necessary rules with the approval of the Government, and necessary procedures, notifications, orders and directives.

13. The Works of Defence Act, 1903 is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council