

The Union of Myanmar
The State Peace and Development Council
The Conservation of Water Resources and Rivers Law
(The State Peace and Development Council Law No. 8/2006)
The 11th Waxing Day of Thadingyut, 1368 ME
(2nd October, 2006)

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

Chapter I

Title and Definition

1. This Law shall be called the Conservation of Water Resources and Rivers Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Water resources mean all water sources above and underground within boundaries of rivers and creeks, banks and waterfronts. This expression also includes water resources that flow into rivers and creeks. However, the inland water is excluded;
 - (b) River means the navigable river for commercial and communication purposes. This expression also includes rivers along border areas within the territory of the Union of Myanmar;
 - (c) Creek means the navigable small rivers for commercial and communication purposes;
 - (d) Waterway means the channel along which vessels can ply safely. This expression also includes navigation channel which can only be used with the aids of navigational safety signals;
 - (e) Vessel means powered vessel, non-powered vessel and any other kind of vessel that can navigate from one place to another with passengers and cargoes. This expression also includes timber and bamboo rafts;
 - (f) River-creek boundary means the water area within banks on both sides of rivers and creeks. This expression also includes shoals, sand bars and islands. However, islands adjoining with land are excluded.
 - (g) Bank boundary means steep or slope banks between the lowest water level and highest water level;
 - (h) Waterfront boundary means the land area adjoining with bank boundary prescribed in accordance with the Law to carry out the works of bank protection, waterway training and river-creek improvement;
 - (i) Jetty means the bridge constructed in the river for vessels to berth, and to enable passengers to embark and disembark and cargoes to be loaded and unloaded;

(j) Pier means the pontoon bridge anchored in the river and adjoining with bank for vessels to berth, and to enable passengers to embark and disembark and cargoes to be loaded and unloaded;

(k) Landing stage means the small bridge on the water for boats to berth and to enable people to bathe and draw water;

(l) Waterway training structure means revetment, diversion groynes, securing groynes, branch closing groynes, silt spurs and wave protection, constructed for river training;

(m) Environmental impact means polluting the environment or damaging ecosystem caused by vessels plying in the rivers and creeks or factories, mills, workshops and dwellers near rivers and creeks;

(n) Directorate means Directorate of Water Resources and Improvement of River Systems.

Chapter II

Aims

3. The aims of this Law are as follows;

(a) to conserve and protect the water resources and rivers system for beneficial utilization by the public;

(b) to smooth and safety waterways navigation along rivers and creeks;

(c) to contribute to the development of State economy through improving water resources and river system;

(d) to protect environmental impact.

Chapter III

Duties and Powers of the Ministry of Transport

4. The duties and powers of the Ministry of Transport are as follows;

(a) directing to carry out waterways conservation works based on the suggestions of the Department, for long-term durability of bridges spanning rivers; if necessary, co-ordinating with the relevant ministry;

(b) notifying the land boundary as waterfront boundary adjoining with bank boundary required to carry out the works of bank protection, waterway training and river-creek improvement;

(c) giving guidance to the Directorate for prescribing the necessary terms and conditions

relating to navigation of vessels in the rivers and creeks for conservation of water resources, rivers and creeks;

(d) scrutinizing and issuing permit on application to salvage the sunken ship at river-creek boundary, bank boundary and waterfront boundary for economic purpose;

(e) determining navigation pilot charge, harbouring charge and other charges relating to conservation of rivers and creeks;

(f) communicating with local and foreign government departments and organizations for conservation of water resources, rivers-creeks and carrying out thereof;

(g) carrying out in accordance with the relevant international conventions, regional agreements and bilateral agreements for environmental conservation implemented by the Union of Myanmar for conservation of water resources, rivers and creeks.

Chapter IV

Duties and Powers of the Directorate

5. The duties of the Directorate are as follows:

(a) carrying out so as not to cause moving of urban ports and to keep the waterways good and for perpetual use;

(b) making arrangements and carrying out to prevent erosion of towns and villages due to changes of river and creek course;

(c) making arrangements and carrying out so as not to adversely affect the environment in and around river and creek;

(d) determining dangerous water levels for towns; in so determining, cooperating with relevant government departments and organizations;

(e) giving necessary assistance to relevant government departments and organizations when co-ordinating to utilize river water as drinking water, for domestic use and for agricultural use the whole year round;

(f) protecting and maintaining the waterways of border rivers so as not to lose State-owned land, and making arrangements thereof;

(g) submitting report to the Ministry of Transport with recommendations after surveying and inspecting the waterways of river and creek for long term durability of bridges spanning rivers;

(h) prescribing terms and conditions to prevent water pollution, and supervising thereof;

(i) carrying out to deepen river courses and to increase cargo tonnage of vessels;

- (j) carrying out works of technology related to hydro-technology, dredging and disposal of waste, required in the rivers to prevent silting up of rivers and creeks;
- (k) removing and clearing objects obstructing watercourse of rivers and creeks;
- (l) removing vessels berthed, anchored, grounded or sunken causing obstruction or danger to plying vessels at urban and rural ports and narrow rivers-creeks and waterways;
- (m) prohibiting anchorage of vessels at sites where there are underwater electric power cable connection, telecom cable connection, gas pipeline, water pipeline or underwater tunnel, and removing vessels anchored within the distance prohibited;
- (n) collecting navigation pilot charge, harbouring charge and other charges and fees relating to conservation of rivers and creeks;
- (o) carrying out other functions and duties assigned by the Ministry;
- (p) submitting a report on performance of its duties to the Ministry.

6. The powers of the Directorate are as follows:

- (a) granting permission after examining the application for permission to carry out the construction of switchback, dockyard, wet dockyard and water-tight dockyard, building of jetty and landing stage and vessel landing by drainage in the river-creek boundary, bank boundary and waterfront boundary;
- (b) permitting, after scrutiny, to pile sand, shingle and other heavy substances within the bank boundary and waterfront boundary;
- (c) issuing recommendation to the relevant government department and organization in respect of application for construction of buildings and bridges in the river-creek boundary, bank boundary and waterfront boundary;
- (d) determining of waterway grade, issuing information on opening and closing of waterway and warning on the use of waterway from time to time;
- (e) determining the size of vessel and number of barges to ply along each waterway, and determining of draught;
- (f) choosing site in the river for the inland vessels to dock, demarcating of port boundary and opening and closing thereof;
- (g) issuing recommendation to the relevant government department and organization after scrutiny as to whether or not the waterways of the rivers-creeks can be affected adversely, on the application to grant permit for business of sand suction, sand dredging, sand excavating, rivers shingle suction, panning for gold, gold mineral dredging or extracting resources in river-creek boundary, bank boundary and waterfront boundary;
- (h) issuing notifications prescribing terms and conditions in accordance with the guidance

of the Ministry in respect of the navigation of vessels in rivers and creeks for conservation of water resources, rivers and creeks.

7. The Directorate may, if necessary, delegate its functions and duties to the State or Divisional Offices, Sub-State or Sub-Divisional Offices and Sub-Regional Offices subordinate to it.

Chapter V

Prohibitions

8. No person shall:

(a) carry out any act or channel shifting with the aim to ruin the water resources and rivers and creeks.

(b) cause the wastage of water resources wilfully.

9. No person shall destroy, cause damage or cause collision of vessel with the river training structure either wholly or partly.

10. No person shall anchor the vessels where vessels are prohibited from anchoring in the rivers and creeks.

11. No person shall:

(a) dispose of engine oil, chemical, poisonous material and other materials which may cause environmental damage, or dispose of explosives from the bank or from a vessel which is plying, vessel which has berthed, anchored, stranded or sunk.

(b) catch aquatic creatures within river-creek boundary, bank boundary or waterfront boundary with poisonous materials or explosives.

(c) dispose of disposal soil and other materials from panning for gold, gold mineral dredging or resource production in the river and creek, into the river and creek or into the water outlet gully which can flow into the river and creek.

12. No person shall carry out growing of garden, digging, filling, silt trapping, closing pond, dyke building or erecting spur in the river-creek boundary, bank boundary and waterfront boundary without the permission of the relevant government department and organization.

13. No person shall carry out sand suction, sand dredging, sand excavating, river shingle suction, panning for gold, gold mineral dredging or resource production for commercial purpose in the river-creek boundary, bank boundary and waterfront boundary without the recommendation of the Directorate.

14. No person shall carry out sand suction, sand dredging, sand excavating, river shingle suction, panning for gold, gold mineral dredging or resource production from the

sandbank maintained for prescribed river training work, prohibited place in the river and creek or the watercourse.

15. No person shall carry out the construction of switchback, dockyard, wet dockyard, water-tight dockyard, building of jetty, pier, landing stage or vessel landing by drainage in the river-creek boundary, bank boundary and waterfront boundary without the permission of the Directorate.

16. No one shall:

(a) ply a vessel which is not in conformity with stipulations regarding the size, horse power and number of flat in the river-creek.

(b) ply a vessel which is not in conformity with the prescribed draught in the river-creek.

17. No one shall, without abiding by the signal for the vessels to halt and wait by the responsible person as river training work, surveying work, dredging work, navigation work or obstruction clearance work is being carried out, ply the vessel passing through.

18. No one shall drive loading goods above the loaded draught or ply outside the demarcation channel.

19. No one shall dispose of any substance into the river-creek that may cause damage to waterway or change of watercourse from the bank or vessel which is plying, vessel which has berthed, anchored, stranded or sunk.

20. No one shall:

(a) cast the fishing net, lay net, drift net, set up net which may cause silting or blocking of the watercourse in river-creek.

(b) cause collision of the vessel with piles of bridges spanning the river.

21. No one shall:

(a) build lavatories unsuitable to the urban and rural community lifestyle in the bank area and watercourse area.

(b) drill well or pond or dig earth without the permission of the Directorate.

22. No one shall, without the permission of the Directorate, pile sand, shingle and other heavy materials for business purposes in the bank area and waterfront area.

23. No one shall:

(a) without the permission of the Ministry of Transport, salvage the sunken vessel for business purposes.

(b) without the permission of Directorate, build structures and bridges in river-creek

boundary, bank boundary and waterfront boundary.

(c) destroy or cause to destroy or remove the navigation symbols, mile posts or navigation marks without the permission of the Directorate.

24. No one shall:

(a) violate the conditions relating to navigation of vessels in rivers and creeks prescribed by the Directorate for conservation of water resources, rivers and creeks.

(b) violate the conditions prescribed by the Directorate so as not to cause water pollution and change of watercourse in rivers and creeks.

Chapter VI

Penalties

25. Whoever violates any of the prohibitions contained in sections 8, 9, 15 or section 23 may, on conviction, be punished with imprisonment for a term not exceeding 3 years or with fine not exceeding kyats 50,000 or with both.

26. Whoever violates any of the provisions contained in sections 10, 11, 12, 13 or section 14 may, on conviction, be punished with imprisonment for a term not exceeding 2 years or with fine not exceeding kyats 30,000 or with both.

27. Whoever violates any of the prohibitions contained in sections 16, 17, 18, 19, 20, 21, 22 or section 24 may, on conviction, be punished with imprisonment for a term not exceeding 1 year or with fine not exceeding kyats 10,000 or with both.

28. Whoever has, on conviction, been punished under sections 25, 26 or section 27 and if there is any loss and damage by his act, he shall be punished with fine for the relevant offence and shall also be ordered to pay the value of the loss and damage as compensation. If the said compensation is not paid, it shall be recovered as fine under section 386 of the Code of Criminal Procedure.

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

Chapter VII

Miscellaneous

30. Any government department and organization or any person desirous of constructing drainage, utilizing river water intake, constructing bridges spanning rivers, connecting underground pipe, connecting underground electric power cable, connecting underground telecom cable or digging in rivers and creeks, bank boundary and waterfront boundary, under the requirement of work, shall in order not to adversely affect the water resources and rivers and creeks, carry out only after obtaining the approval of the Ministry of Transport.

31. The relevant Ministry, government department and organization shall, in respect of works contained in sub-sections (c) and (g) of section 6, grant permission on works that may be permitted under their authority only when the recommendation of the Directorate has been obtained, in order not to adversely affect the water resources, rivers-creeks and watercourses.

32. Notwithstanding anything contained in any of the existing laws, action shall only be taken under this Law on matters relating to the maintenance and protection of water resources and rivers and creeks.

33. The Obstruction in Fairways Act, 1881, the Defile Traffic Act, 1907, the Inland Steam Vessels Act, 1917, the Outports Act, the Ports Act and the Yangon Ports, Act and rules, procedures, orders and directives issued under the said Laws may continue to be applicable in so far as they are not inconsistent with the provisions of this Law.

34. No suit or prosecution shall lie against any public servant for anything which is done in good faith under this Law.

35. Offences under this Law are determined as cognizable offences by the Myanmar Police Force.

36. For the purpose of carrying out the provisions of this Law:

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

(b) the Ministry of Transport may issue such notifications, orders and directives or the Directorate may issue such orders and directives as may be necessary.

Sd/-
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Chairman
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