

Myanmar National Committee on Large Dams Law

(The Pyidaungsu Hluttaw Law No. 41, 2015)

The 13th Waning of First Waso, 1377 M.E.

(14 July, 2015)

The PyidaungsuHluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the **Myanmar National Committee Large Dams Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Committee** means the Myanmar National Committee on Large Dams;
 - (b) **Large Dams** mean earthen dams, rock fill dams and concrete dams which have the height of 15 meters and above or from 5 meters to 15 meters and may store the volume of water 3 million cubic meters and above;
 - (c) **International Commission on Large Dams** means an organization which gives technical skill for the exchange of engineering experience and specifying standards that may ensure for the safety of reservoirs and related hydraulic structures, economical construction, environmental conservation and sustainable development of social life and its Head Quarter is established in Paris, France in July, 1928;
 - (d) **Regional sub-committees** mean sub-committees formed in the regions where there are at least 15 committee members in Myanmar;
 - (e) **Technical sub-committees** mean sub-committees formed by the Committee in accord with the requirement by a compilation of subject-wise based on the technical sub-committees of the international commission on large dams;

- (f) **Ministry** means the Ministry of Agriculture and Irrigation of the Union Government;
- (g) **Chairperson** means the chairperson of the Executive Committee selected and assigned by the members of the Committee;
- (h) **Secretary Board** means the permanent organization which leads the function of receiving information and the office work of the Committee.

Chapter II

Basic Principles of the Formation and Objectives

3. The basic principles of the formation of the Committee are as follows:
 - (a) The Myanmar National Committee on Large Dams is a technical organization organized by individuals or organizations which are interested and have desire to actively participate in the fields relating to the development of large dams.
 - (b) An individual or organizations shall be formed based on the members of the committee who participate, in accord with the stipulations, in any other business including survey, management, investigation, designing, construction, operation, maintenance and management of constructed large dams, manufacturing machinery, vehicle and equipment, manufacturing the construction materials, exchange of technology and manufacturing equipment, environmental conservation and the business related to large dams in respect of the construction of large dams.
 - (c) The committee shall be established in accord with the basic principles which are free and independently stand itself.
4. The objectives of the Committee are as follows:
 - (a) to understand the responsibility of the function of large dams by the members of the Committee;
 - (b) to enhance enthusiasm and concept of the members of the Committee;
 - (c) to enhance technical skill by exchange of information on large dams and their work experience of the members of the Committee one another;

- (d) to act as consultants in scrutinizing the benefits of economic and social welfares of large dams;
- (e) to coordinate comprehensively for the safety, stability, the impact on the environment, economic and social environments, capacity development, cooperation of science and technology and matters on the investment of the large dams which are constructed, being constructed and will be constructed within Myanmar;
- (f) to cooperate and communicate with international commissions on science and technology including in the nation and region in accord with the provisions contained in the existing laws, rules and international laws.

Chapter III

Formation of the Committee

5. The Union Government shall form the Patron Body of the Committee which is not more than seven persons:
- (a) Union Minister
Ministry of Agriculture and Irrigation
 - (b) Deputy Minister
Ministry of Agriculture and Irrigation
 - (c) Deputy Minister
Ministry of Electricity
 - (d) Senior Technicians
6. The Patron Body shall:
- (a) convene the first General Assembly of the Committee in accord with the stipulations;
 - (b) form the Committee with not more than 45 persons of the total number in the General Assembly convened under sub-section (a).

7. The members of the Committee shall elect the Executive Committee with 15 persons of the total number including civil services personnel out of their committee members as follows:

- | | | |
|-----|-----------------------------------|-----------|
| (a) | Chairperson | 1 person |
| (b) | Vice-chairperson | 2 persons |
| (c) | Secretary | 1 person |
| (d) | Joint-secretary | 2 persons |
| (e) | Treasurer | 1 person |
| (f) | Auditor | 1 person |
| (g) | Member of the Executive Committee | 7 persons |

8. The Patron Body is entitled to make necessary guidance to the Committee and Executive Committee.

9. The Committee is entitled to amend and add the formation of the Committee with the approval of the General Assembly.

10. The General Assembly of the Committee shall be convened once in two years and the new Committee shall be formed.

11. The Committee shall be accountable for the following functions:

- (a) implementing the decisions of the Conference of the General Assembly in accord with the regulations of the formation of the Committee;
- (b) making decision on the procedure, budget and the formation of the Committee;
- (c) selecting 15 persons of the members of the Executive Committee.

12. The circulations and magazines of engineering subject published and distributed by the office of the Committee shall be deemed as the official publication of the Committee. The Committee is entitled to use its own logo and seal and may establish fixed assets, local currency and foreign bank accounts.

Chapter IV

Formation of the Sub-committee

13. The Executive Committee shall form the sub-committees as follows:
 - (a) regional sub-committee;
 - (b) technical sub-committee.

14. The regional sub-committees may be formed in the regions where there is at least 15 persons of full members. The meeting of the sub-committee shall be convened at least once a year and shall be carried out as follows:
 - (a) determining the functions of the sub-committee and discussing the work report;
 - (b) discussing the reports of the Committee and submitting it to the Committee;
 - (c) selecting the representatives to participate in the General Assembly and assigning the executive members of the sub-committee;
 - (d) determining the number of the executive member of the sub-committee.

15. The technical sub-committees may be formed in accord with the requirement by a compilation of subject-wise based on the technical committee of the international commission on large dams. The sub-committees shall submit to the Committee in respect of determining the functions, convening the meeting, undertaking and discussions of their sub-committees organized by the members of the sub-committee as subject-wise relating to them.

16. In order to assist the functions of the Committee, the Executive Committee:
 - (a) shall form the Secretary Board comprising secretary, joint-secretary of the Executive Committee and members from the body assigned by the Executive Committee;
 - (b) may form the necessary special body related to the large dams in accord with the stipulations.

Chapter V

Duties and Powers of the Committee

17. The duties of the Committee are as follows:
- (a) raising awareness and encouragement of creativity and enthusiasm of the members for sustainable development of environment, safety and good investment in using by constructing large dams;
 - (b) training for human resources participating in the development of good large dams and assisting and encouraging to enhance their capacity in work;
 - (c) scrutinizing and giving recommendation of investigation, design, detailed design and implementation of construction, according to the duty and power of the Committee, of the projects which are being constructed and will be constructed by the State;
 - (d) inspecting and giving recommendation for work on the inspection of worthiness of the constructed large dams projects of the State by the Committee and operation and maintenance of hydraulic structures;
 - (e) sharing awareness and knowledge of science and technology related to the development of large dams;
 - (f) providing necessary assistance in carrying out investigation, construction, laying down the strategies, management and the use of large dams in accord with the provisions of the procedure, technological ethics and standard, distributing the remarks to each department and organization operating the works of large dams and consultation in respect of the recommendations of the Committee;
 - (g) cooperating and undertaking in the construction and implementation of large dams in coordination with other organizations related to the extraction of water resources utilization by the Committee;
 - (h) improvement of communications with the International Commission on large dams, the international organizations through the relevant government department and government organization;
 - (i) protecting the rights of technical skill of the individual who is the member of the Committee and organizations in accord with law.

18. The powers of the Committee are as follows:

- (a) assisting to achieve the objectives of socio-economic development of the State by submitting the necessary explanations and recommendations through the relevant government departments and organizations in laying down the policies, procedures and projects for the development of large dams by the State;
- (b) participating in performing as a consultant, analyzing, reviewing and supervising the technology according to the responsibility of the Committee or the situation of special requirement for the projects of large dams which are being constructed or will be constructed within the State;
- (c) cooperating and coordinating with the local and international organizations to exchange information, do research and investment of the development of large dams;
- (d) cooperating and collaborating on advising and informing for the development of large dams in accord with the procedures and regulations and coordinating for the management of large dams such as designing, using, applying the advanced technology and administering;
- (e) establishing its subordinate organizations;
- (f) convening the conferences, symposiums and seminars;
- (g) sharing experience, training, giving lectures and holding the workshops on findings of research for the development of large dams;
- (h) assigning duty its members to participate in the academic seminars, workshops and working groups related to local and international large dams in accord with laws;
- (i) giving job training to the members and participants in respective functions of the development of large dams;
- (j) publishing and announcement of research report, studied work, research findings and academic periodicals and distributing the work-related knowledge;
- (k) using the obtained financial resources in accord with the financial procedure;
- (l) issuing the technical recognition certificates and identity cards for the members;
- (m) awarding the certificates and honorable certificates related to qualification and discipline for the members and organizations.

Chapter VI

Duties and Rights of the Members of the Committee

19. The duties of the members of the committee are as follows:
- (a) implementation of regulations of the formation and directives of the Committee and participation in the functions of the Committee according to his capacity;
 - (b) maintenance of the quality of work by doing sustainable development of his capacity;
 - (c) protection of the interests of the Committee, giving awareness of the activities of the Committee to the public and organizing to increase the recruitment of new members;
 - (d) participation continuously in the functions of the Committee, without fees, by the members for the effective implementation of the objectives of the Committee;
 - (e) paying the prescribed fees to the Committee.
20. The rights of the members of the Committee are as follows:
- (a) having the right to participate in the activities and discussions of the Committee;
 - (b) having the right to participate in electing by vote and assigning to form by the remaining members except the joint members and honorary members;
 - (c) having the right to get information of large dams and having the right of assistance of the Committee to improve the technical standard on the development of large dams;
 - (d) having the right to get assistance of the Committee for the proposals, inventions and research;
 - (e) having the right of protection, in accord with rules and regulations of the Committee, for the technical activities;
 - (f) having the right to get recommendation of the Committee for the functions related to technical activities and operations of large dams.
21. The committee may, if each Myanmar citizen including civil services personnel who are participating and interested in the functions related to large dams of Myanmar and the organizations officially formed within Myanmar agree the regulations of the formation of the Committee and propose to cooperate with Committee, allow in accord with the stipulations as the member of the Committee.

22. (a) The types of the member of the Committee are as follows:
- (i) group members include survey groups, economic groups and groups related to training, construction, manufacturing equipment and management;
 - (ii) individual members include managers, professionals, technicians, experts, entrepreneurs, social workers and participants in large dams works;
 - (iii) full members mean the local members who are fully participate in the functions and decisions of the Committee;
 - (iv) joint members mean the persons who are not fully perform in the functions of the Committee although they are desirous of cooperation in the Committee;
 - (v) honorary members mean the persons who are recognized as the honorary members not for having condition to participate in the functions of Committee directly although they have high capacity, qualification and experience related to large dams;
- (b) The rights of participation of the types of members of the Committee are as follows:
- (i) if the official organizations, group members and members of any other Committee within Myanmar accepts the regulations of the formation of the Committee after communicating in writing to cooperate with the Committee, they shall have the right to be recognized as the member of the Committee;
 - (ii) joint-members and honorary members shall have the right to participate in the matters allowed by the Committee except the right to be elected and the right to vote in the Committee and the Central Executive Committee.

Chapter VII

Convening the General Assembly and Meetings

23. The General Assembly of the Committee shall be convened by the Committee once in two years.

24. The special assembly shall, if more than two-thirds of the committee members or more than one-third of the total members officially recognized so requires, be convened by the Executive Committee.

25. The General Assembly of the Committee is entitled to discuss and approve the discussion, decision, documentation of the report of the Executive Committee performed within the previous term, revision of the regulations of the formation and decision to appoint the staff for the office of the Committee.

26. The regular meetings of the Committee shall be convened at least twice a year. The Executive Committee may convene the special meeting, if necessary.

27. The Executive Committee has the right to implement the General Assembly and decisions of the Committee. The meeting of the Executive Committee shall be convened at least once in two months and the special meeting may be convened if it is submitted by the chairperson or more than half of the Executive Committee members.

Chapter VIII

Resignation and Termination from Duty

28. The resignation from the member and termination from duty shall be carried out as follows:

- (a) a member or a group member shall, if it is desired to resign from the Committee, resign by submitting in writing to the Executive Committee;
- (b) if it is inspected that any of the following matters is occurred in a member or a group member, the Executive Committee shall terminate the said member from membership:
 - (i) prohibiting the participation in the Committee by any government department and government organization in accord with law;
 - (ii) breach of the regulations of the formation of the Committee;
 - (iii) breach of any existing law;
 - (iv) being declared as insolvency by the relevant court;
 - (v) being prescribed as unsound mind according to the provision of the relevant law;
 - (vi) decease.

Chapter IX

Fund raising and Expenditure

29. The fund of the Committee shall be established with member fees and contributions of the members and group members, incomes from the academic works related to Large Dams, grants of each private individual and organizations and other official receipts.

30. The Committee:

- (a) shall try to stand separately with its fund;
- (b) may submit to incur expense from the Union Fund with the approval of the Union Government through the Ministry if it is not sufficient for standing with its fund;
- (c) shall carry out the financial activities systematically in accord with the existing financial rules and regulations and directives.

31. The secretary board is entitled to expend fund for the following matters and the expenditure of fund shall be submitted to the nearest meeting of the Executive Committee and obtained approval:

- (a) using for the management and receiving information, providing training, etc.;
- (b) spending for salary, grant and personnel affairs of the staff of the Committee Office;
- (c) paying the annual fees to the organizations entering as the member by the Committee;
- (d) spending for the general expenditure.

32. (a) Sub-committees shall administer the finance and account in accord with the financial procedures and accounting prescribed by the Committee.

(b) If any sub-committee is abolished or has to be abolished, its fixed assets and financial statements shall be carried out in accord with the existing financial rules and regulations.

33. The Committee shall appoint the Work Inspection Board with three members headed by the Vice-chairman of the Executive Committee. After the Work Inspection Board had inspected whether or not to carry out the activities of the committee, sub-committees and members in accord with the procedures and regulations and the expenditure of fund of the Committee, the findings shall be submitted to the General Assembly and the meeting of the Committee and Executive Committee.

Chapter X
Conferring the Outstanding Award, Recommendation and Taking Action

34. The Committee is entitled to carry out conferring the outstanding awards to the outstanding members and organizations in the work of the Committee and fields of large dams or recommendation for being recognized as the organization by the State.

35. The Committee may take disciplinary action in accord with the stipulations to any member or organization which is not in conformity with the position, dignity and regulations of the Committee.

Chapter XI
Miscellaneous

36. The Executive Committee shall appoint the staff of the Committee Office in accord with the stipulation. The Committee Office shall be accountable to the functions of the Secretary Board.

37. The Ministry shall coordinate and assist necessities for the effective implementation of the functions contained in this Law by the Committee.

38. The patron members, committee members and executive committee members who are not civil services personnel are entitled to enjoy the remuneration and allowance stipulated by the Ministry with the approval of the Union Government.

39. In implementing the provisions contained in this Law:

- (a) the Ministry may, with the approval of the Union Government, issue rules, regulations and bye-laws;
- (b) the Committee and Ministry may issue notifications, orders, directives and procedures.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd/ TheinSein
President

The Republic of the Union of Myanmar

