

The Water Tax and Embankment Tax Law, 2017

(The Pyidaungsu Hluttaw Law No.9, 2017)

The 12th Waxing of Waso, 1379, M.E.

(5 July, 2017)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definitions

1. This Law shall be called **the Water Tax and Embankment Tax Law , 2017.**
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Farmland** means land defined as low land (Paddy Land), upland (Ya), silty land (Kaing Kyun), hillside cultivation land (Taungyar), perennial crops land, nipa palm land (Dhani), garden land or horticultural land and alluvial land. In this expression, housings, religious buildings and precincts within town boundary and village boundary, and communal land which are not used for agriculture are not included;
 - (b) **Tax** means water tax, embankment tax and charges for water use by other means payable under this Law;
 - (c) **Taxpayer** means a person or an organization that tax is payable under this Law;
 - (d) **Assessment** means the assessment and compilation of the tax payable by a taxpayer in order to collect tax under this Law;
 - (e) **Water Tax** means tax specified and assessed on the use of water under this Law;
 - (f) **Embankment Tax** means tax specified and assessed in flood protected area under this Law;
 - (g) **Irrigated Area** means land area where water from a dam, lake, canal, sluice gate and drainage canal built by the State can be used by any means;

- (h) **Flood protected area** means the protected area against flood with embankments, drainage canals and sluice gates built and maintained by the State;
- (i) **Ministry** means the Ministry of Agriculture, Livestock and Irrigation of the Union Government;
- (j) **Department** means the Irrigation and Water Utilization Management Department.

Chapter II

Objectives

3. The objectives of this Law are as follows:
- (a) to maintain dams and embankments built by the State for the development of agriculture sector for long- term;
 - (b) to value the benefit of dams and embankments by the public;
 - (c) to prescribe tax rates and collect tax consistent according to regional water use with various situations all over the union.

Chapter III

Prescribing rates of Water Tax and Embankment Tax

4. The Tax Assessment Group shall, in accordance with the following tax rates, collect tax for farm lands within the irrigated area or flood protected area for financial year:

- (a) In irrigated areas, for a crop season:
 - (1) two thousand kyats per acre if water is obtained fully from land preparation to maturity for paddy crop;
 - (2) one thousand kyats per acre if water is obtained partly from land preparation to maturity for paddy crop;
 - (3) one thousand kyats per acre if other crop is cultivated.
- (b) five hundred kyats per acre for a financial year in flood protected area;
- (c) the rate specified in sub-section (a) if sub-sections (a) and (b) are both applicable to any farm land.

5. The department shall, in accordance with the following tax rates, collect water charges for the use of irrigation water for general works inside or outside the irrigated area permitted by the Ministry:
- (a) fifty kyats per one thousand gallons if water is supplied residential buildings, government buildings, and distributed to City Development Committees and any other organizations;
 - (b) three hundred kyats per one thousand gallons if it is used as commercial and industrial water;
 - (c) ten thousand kyats per acre if it is used for fishery ponds;
6. The Tax Assessment Group shall, in accordance with the following rates collect water charges according to crops cultivated by electric pumping:
- (a) nine thousand kyats per acre for cultivation of summer paddy;
 - (b) six thousand kyats per acre for cultivation of monsoon paddy;
 - (c) three thousand kyats per acre for cultivation of other crops.

Chapter IV

Establishment of Water Tax and Embankment Tax Assessment Group in Various Levels and their Functions

7. The Region or State Government or the Nay Pyi Taw Council shall:
- (a) establish the Water Tax and Embankment Tax Assessment Group of the Region or State or the Union Territory with a maximum of nine members headed by the Region or State Minister for Agriculture or a member of the Nay Pyi Taw Council as Chairperson including persons with accountability from the Region or State or Union Territory Level Department of General Administration, Department of Agriculture and Department of Agricultural Land Management and Statistics, peasant representatives from the respective region, persons with responsibility from respective departments and organizations and person with accountability from the Irrigation and Water Utilization Management Department as the secretary;

- (b) establish the Water Tax and Embankment Tax Assessment Group of Self-Administered Division or Self- Administered Zone or District with a maximum of seven members headed by a member of Self-Administered Division or Self- Administered Zone or the administrator from District General Administration Department as Chairperson including persons with accountability from district level Department of Agriculture, Department of Agricultural Land Management and Statistics, peasant representatives from the respective region, person with responsibility from respective departments and organization and persons with accountability from the Irrigation and Water Utilization Management Department as the secretary;
- (c) establish the Township Water Tax and Embankment Tax Assessment Group with a maximum of seven members headed by the administrator of Township General Administration Department as Chairperson including persons with accountability from township level Department of Agriculture, Department of Agricultural Land Management and Statistics, peasant representatives from the respective region, person with responsibility from respective departments and organization and persons with accountability from the Irrigation and Water Utilization Management Department as the secretary;
- (d) establish the Ward or Village Tract Water Tax and Embankment Tax Assessment Group with a maximum of seven members headed by the Ward or Village Tract Administrator as Chairperson including staff from ward or village tract level Department of General Administration, Department of Irrigation and Water Utilization Management, Department of Agriculture, Department of Agricultural Land Management and Statistics and peasant representatives from the respective region;
8. The functions of the Water Tax and Embankment Tax Assessment Group of Region or State or the Union Territory formed under subsection (a) of section 7 are as follows:

- (a) supervising, as may be necessary, the assessment to fulfill the targeted tax within the Region or State or the Union Territory;
- (b) inspecting, from time to time, the situations of water use and flood protection of farm lands assessed water tax or embankment tax by Water Tax and Embankment Tax Assessment Group of Self-Administered Division or Self-Administered Zone or District and by Township Water Tax and Embankment Tax Assessment Group, and reporting them to the Region or State Government or the Nay Pyi Taw Council;
- (c) reporting the situation of assessment of tax to the Region or State Government or the Nay Pyi Taw Council;
- (d) planning to have enough water to use for the people within the respective region, to have sufficient water for agriculture and livestock breeding, to be able to use it easily and to prevent flood, and negotiation with respective departments and organizations.

9. The functions of the Water Tax and Embankment Tax Assessment Group of Self-Administered Division or Self-Administered Zone or District level established under sub-section (b) of section 7 are as follows:

- (a) checking and supervising performances of Township Water Tax and Embankment Tax Assessment Groups;
- (b) counter-checking the facts reported by the Township Water Tax and Embankment Tax Assessment Group and reporting with comments from the Water Tax and Embankment Tax Assessment Group of the Region or State or the Union Territory;
- (c) reporting to the Regional or State or Union Level Water Tax and Embankment Tax Assessment Group by scrutinizing of comments from Township Level Water Tax and Embankment Tax Assessment Group established under Sub Section (d) of Section 10.
- (d) planning to have enough water to use for the people within the respective region, to have sufficient water for agriculture and livestock breeding, to be able to use it easily and to prevent flood, and negotiation with respective departments and organizations.

10. The function of the Township Water Tax and Embankment Tax Assessment Group established under sub-section (c) of section 7 are as follows:

- (a) supervising Water Tax and Embankment Tax Assessment Group of ward or village-tracts within the township;
- (b) reporting the list of assessment of Water Tax and Embankment Tax to the relevant departments in order to prepare tax bill and collect tax after scrutinizing and approving the list submitted by the ward or village-tracts level Water Tax and Embankment Tax Assessment Group.
- (c) preparing, scrutinizing and reporting the list of Irrigation Area, Flood Protected Area and Assessed Area related to the assessment of water tax and embankment tax according to ward or village-tracts.
- (d) enquiring the relevant taxpayer or representative, instructing them to submit the necessary documents and, if necessary, assigning the respective departments and organizations to make field-survey if any dispute arises relating to water consumption area or flood protected area in assessing water tax and embankment tax;
- (e) examining whether crop losses due to flood, drought, pest damage and other unpreventable natural disasters in any land or for any crop, whether there is assessment of tax on non-taxable item, over-assessment of tax or inaccurate assessment of tax and whether the taxpayer has paid in excess of the amount payable under this Law;
- (f) reporting the findings with comments to the Water Tax and Embankment Tax Assessment Group of Self-Administered Division (or) Self -Administered Zone (or) District after scrutinizing, in order to carry out the matters contained in sub-section (e) by the State or Region Government or Nay Pyi Taw Council, as may be necessary under Section 15.
- (g) deciding on matters relating to assessment of water tax and embankment tax;
- (h) planning to have enough water to use for the public within the respective region, to have sufficient water for agriculture and livestock breeding, to be able to use water easily and to prevent from the danger of flood, and performing in negotiation with the respective department and organizations.

11. The functions of the Water Tax and Embankment Tax Assessment Group of ward or village-tract established under sub-section (d) of section 7 are as follows:

- (a) making field survey and list, in accordance with the stipulations, of actual water distribution area annually and water consumption area for growing seasons and crops of each dam, lake, embankment, sluice gate and water pumping irrigation, and actual crops growing area annually within flood protected area;
- (b) making the list of assessment of water tax and embankment tax and submitting it to the Township Water Tax and Embankment Tax Assessment Group in accordance with the stipulations, on the basis of crops growing area within actual water consumption area or flood protected area according to the name of person who obtains land permit or the name of taxpayer who grows crops by using water in the growing season and the holder;
- (c) collecting taxes within prescribed period and paying the collected tax to the relevant office without delay after recording when receiving tax receipts;
- (d) presenting to the Township Water Tax and Embankment Tax Assessment Group to take action as may be necessary if tax receipt or collected tax is damaged or lost;
- (e) submitting the situation of receiving tax receipts and the situation of collecting tax monthly to the Township Water Tax and Embankment Tax Assessment Group and the relevant Township General Administration Department;
- (f) returning the remaining tax receipts to be collected and tax receipts which cannot be collected systematically to the relevant Township General Administration Department by listing when the prescribed assessable date is expired;
- (g) if there is tax debt, submitting cause of it with sufficient ground to grant tax relief by various levels of higher organization;

- (h) suggesting and submitting needs to have enough water to use for the public within the respective region, to have sufficient water for agriculture and livestock breeding, and to be able to use water easily and to prevent from the danger of flood.

Chapter V

Collection of Tax

12. The various levels of Water Tax and Embankment Tax Assessment Group shall collect water tax and embankment tax in section 4 and water charges for electric pumping irrigation in section 6 according to the modes for the collection of land revenue, and shall pay collected money to the specified financial account.
13. If a taxpayer fails to pay tax within the date prescribed or extended in the tax receipt, unpaid money shall be deemed as an arrear of revenue and the relevant taxpayer shall be deemed as a defaulter and such money shall be recovered as if it were an arrear of land revenue and the taxpayer shall be sued under the Law.
14. The Department shall collect water tax and charges in section 5 with the approval of the Ministry and collected money shall be paid to the Union Fund. The assessment and collection of tax shall be carried out in accordance with the stipulations.

Chapter VI

Exemption, Relief, Cancellation from the list and Refunding excess money

15. The Region or State Government or the Nay Pyi Taw Council shall scrutinize the submission of the Water Tax and Embankment Tax Assessment Group of the Region or State or the Union territory for any farm land or any crop relating to the assessment of water tax and embankment tax and-
- (a) may exempt from tax or grant tax relief for crop damages and losses due to flood, drought, pest damage or other unpreventable natural disasters;
 - (b) may modify assessment of tax on non-taxable item, over-assessment of tax (or) mis-assessment of tax in accordance with existing laws and regulations, delete a tax from the list which cannot assess the tax in accordance with existing laws and regulations and re-assess tax if under-assessment of tax is found.

- (c) shall refund the excess payment in accordance with the financial regulations and by-laws if it is found that a payment of taxpayer is in excess amount of payable tax under the Law.

Chapter VII

Appeal

- 16. (a) A person dissatisfied with the decision made under sub-section (g) of section 10 by Township Water Tax and Embankment Tax Assessment Group may appeal to the Self-Administered Division or Self-Administered Zone or District Water Tax and Embankment Tax Assessment Group in accordance with the stipulations within 30 days from the date of decision.
- (b) The Self-Administered Division or Self-Administered Zone or District Water Tax and Embankment Tax Assessment Group may affirm, revise or set aside the decision of Township Water Tax and Embankment Tax Assessment Group.
- 17. (a) A person dissatisfied with the decision made under sub-section (b) of section 16 may appeal to the Region or State Government or the Nay Pyi Taw Council in accordance with the stipulations within 30 days from the date of decision.
- (b) The Region or State Government or the Nay Pyi Taw Council may affirm, revise or set aside the decision of the Self-Administered Division or Self-Administered Region or District Water Tax and Embankment Tax Assessment Group.
- (c) Relating to assessment of tax, the decision of the Region or State Government or the Nay Pyi Taw Council is final and conclusive.

Chapter VIII
Miscellaneous

18. In implementing the provisions of this Law;
- (a) the Ministry may issue rules, regulations and by-laws with the approval of the Union Government;
 - (b) the Ministry, Region or State Government or the Nay Pyi Taw Council and Department may issue notifications, orders, directives and procedures.
19. The Water Tax and Embankment Tax Law (The Pyithu Hluttaw Law No.1/1982) is hereby repealed by this Law.

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

Sd/ Htin Kyaw
President
The Republic of the Union of Myanmar